

As Introduced

132nd General Assembly

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H. B. No. 176

Representative Thompson

**Cosponsors: Representatives Keller, Romanchuk, Becker, Young, Green, Lipps,
Stein, Hood, Dean, Vitale, Retherford, Brinkman, Butler, Goodman, Rezabek,
Koehler, Riedel, Wiggam, Hambley, Hagan, Blessing, Roegner, Edwards, Dever,
Sprague, Zeltwanger**

A BILL

To amend sections 3301.07, 3301.078, 3301.079, 1
3301.0710, 3301.0711, 3301.0712, 3301.0714, 2
3301.0715, 3301.0718, 3301.0722, 3302.03, 3
3302.036, 3302.04, 3302.05, 3302.15, 3310.03, 4
3311.80, 3311.84, 3313.532, 3313.60, 3313.603, 5
3313.608, 3313.6017, 3313.6020, 3313.61, 6
3313.611, 3313.612, 3313.614, 3313.619, 7
3313.902, 3313.903, 3314.03, 3314.36, 3317.141, 8
3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 9
3325.08, 3326.111, 3328.01, 3328.25, and 10
3333.0411 and to repeal sections 3301.0721, 11
3313.618, 3319.111, 3319.112, and 3319.114 of 12
the Revised Code and to amend Sections 4 and 5 13
of Am. Sub. H.B. 7 of the 131st General Assembly 14
with to regard to state achievement assessments, 15
statewide academic content standards and model 16
curricula, and teacher and administrator 17
evaluations. 18

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.07, 3301.078, 3301.079, 19
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 20
3301.0718, 3301.0722, 3302.03, 3302.036, 3302.04, 3302.05, 21
3302.15, 3310.03, 3311.80, 3311.84, 3313.532, 3313.60, 3313.603, 22
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.611, 3313.612, 23
3313.614, 3313.619, 3313.902, 3313.903, 3314.03, 3314.36, 24
3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 3325.08, 25
3326.111, 3328.01, 3328.25, and 3333.0411 of the Revised Code be 26
amended to read as follows: 27

Sec. 3301.07. The state board of education shall exercise 28
under the acts of the general assembly general supervision of 29
the system of public education in the state. In addition to the 30
powers otherwise imposed on the state board under the provisions 31
of law, the board shall have the powers described in this 32
section. 33

(A) The state board shall exercise policy forming, 34
planning, and evaluative functions for the public schools of the 35
state except as otherwise provided by law. 36

(B) (1) The state board shall exercise leadership in the 37
improvement of public education in this state, and administer 38
the educational policies of this state relating to public 39
schools, and relating to instruction and instructional material, 40
building and equipment, transportation of pupils, administrative 41
responsibilities of school officials and personnel, and finance 42
and organization of school districts, educational service 43
centers, and territory. Consultative and advisory services in 44
such matters shall be provided by the board to school districts 45
and educational service centers of this state. 46

(2) The state board also shall develop a standard of 47
financial reporting which shall be used by each school district 48

board of education and each governing board of an educational 49
service center, each governing authority of a community school 50
established under Chapter 3314., each governing body of a STEM 51
school established under Chapter 3328., and each board of 52
trustees of a college-preparatory boarding school established 53
under Chapter 3328. of the Revised Code to make its financial 54
information and annual budgets for each school building under 55
its control available to the public in a format understandable 56
by the average citizen. The format shall show, both at the 57
district and at the school building level, revenue by source; 58
expenditures for salaries, wages, and benefits of employees, 59
showing such amounts separately for classroom teachers, other 60
employees required to hold licenses issued pursuant to sections 61
3319.22 to 3319.31 of the Revised Code, and all other employees; 62
expenditures other than for personnel, by category, including 63
utilities, textbooks and other educational materials, equipment, 64
permanent improvements, pupil transportation, extracurricular 65
athletics, and other extracurricular activities; and per pupil 66
expenditures. The format shall also include information on total 67
revenue and expenditures, per pupil revenue, and expenditures 68
for both classroom and nonclassroom purposes, as defined by the 69
standards adopted under section 3302.20 of the Revised Code in 70
the aggregate and for each subgroup of students, as defined by 71
section 3317.40 of the Revised Code, that receives services 72
provided for by state or federal funding. 73

(3) Each school district board, governing authority, 74
governing body, or board of trustees, or its respective 75
designee, shall annually report, to the department of education, 76
all financial information required by the standards for 77
financial reporting, as prescribed by division (B) (2) of this 78
section and adopted by the state board. The department shall 79

make all reports submitted pursuant to this division available 80
in such a way that allows for comparison between financial 81
information included in these reports and financial information 82
included in reports produced prior to July 1, 2013. The 83
department shall post these reports in a prominent location on 84
its web site and shall notify each school when reports are made 85
available. 86

(C) The state board shall administer and supervise the 87
allocation and distribution of all state and federal funds for 88
public school education under the provisions of law, and may 89
prescribe such systems of accounting as are necessary and proper 90
to this function. It may require county auditors and treasurers, 91
boards of education, educational service center governing 92
boards, treasurers of such boards, teachers, and other school 93
officers and employees, or other public officers or employees, 94
to file with it such reports as it may prescribe relating to 95
such funds, or to the management and condition of such funds. 96

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 97
XLVII, and LI of the Revised Code a reference is made to 98
standards prescribed under this section or division (D) of this 99
section, that reference shall be construed to refer to the 100
standards prescribed under division (D) (2) of this section, 101
unless the context specifically indicates a different meaning or 102
intent. 103

(2) The state board shall formulate and prescribe minimum 104
standards to be applied to all elementary and secondary schools 105
in this state for the purpose of providing children access to a 106
general education of high quality according to the learning 107
needs of each individual, including students with disabilities, 108
economically disadvantaged students, limited English proficient 109

students, and students identified as gifted. Such standards 110
shall provide adequately for: the licensing of teachers, 111
administrators, and other professional personnel and their 112
assignment according to training and qualifications; efficient 113
and effective instructional materials and equipment, including 114
library facilities; the proper organization, administration, and 115
supervision of each school, including regulations for preparing 116
all necessary records and reports and the preparation of a 117
statement of policies and objectives for each school; the 118
provision of safe buildings, grounds, health and sanitary 119
facilities and services; admission of pupils, and such 120
requirements for their promotion from grade to grade as will 121
assure that they are capable and prepared for the level of study 122
to which they are certified; and requirements for graduation,~~—~~ 123
~~and such other factors as the board finds necessary.~~ 124

The state board shall base any standards governing the 125
promotion of students or requirements for graduation on the 126
ability of students, at any grade level, to earn credits or 127
advance upon demonstration of mastery of knowledge and skills 128
through competency-based learning models. Credits of grade level 129
advancement shall not require a minimum number of days or hours 130
in a classroom. 131

The state board shall base any standards governing the 132
assignment of staff on ensuring each school has a sufficient 133
number of teachers to ensure a student has an appropriate level 134
of interaction to meet each student's personal learning goals. 135

In the formulation and administration of such standards 136
for nonpublic schools the board shall also consider the 137
particular needs, methods and objectives of those schools, 138
provided they do not conflict with the provision of a general 139

education of a high quality and provided that regular procedures 140
shall be followed for promotion from grade to grade of pupils 141
who have met the educational requirements prescribed. 142

(3) In addition to the minimum standards required by 143
division (D)(2) of this section, the state board may formulate 144
and prescribe the following additional minimum operating 145
standards for school districts: 146

(a) Standards for the effective and efficient 147
organization, administration, and supervision of each school 148
district with a commitment to high expectations for every 149
student based on the learning needs of each individual, 150
including students with disabilities, economically disadvantaged 151
students, limited English proficient students, and students 152
identified as gifted, and commitment to closing the achievement 153
gap without suppressing the achievement levels of higher 154
achieving students so that all students achieve core knowledge 155
and skills in accordance with the statewide academic standards 156
adopted under section 3301.079 of the Revised Code; 157

(b) Standards for the establishment of business advisory 158
councils under section 3313.82 of the Revised Code; 159

(c) Standards for school district buildings that may 160
require the effective and efficient organization, 161
administration, and supervision of each school district building 162
with a commitment to high expectations for every student based 163
on the learning needs of each individual, including students 164
with disabilities, economically disadvantaged students, limited 165
English proficient students, and students identified as gifted, 166
and commitment to closing the achievement gap without 167
suppressing the achievement levels of higher achieving students 168
so that all students achieve core knowledge and skills in 169

accordance with the statewide academic standards adopted under 170
section 3301.079 of the Revised Code. 171

(E) The state board may require as part of the health 172
curriculum information developed under section 2108.34 of the 173
Revised Code promoting the donation of anatomical gifts pursuant 174
to Chapter 2108. of the Revised Code and may provide the 175
information to high schools, educational service centers, and 176
joint vocational school district boards of education; 177

(F) The state board shall prepare and submit annually to 178
the governor and the general assembly a report on the status, 179
needs, and major problems of the public schools of the state, 180
with recommendations for necessary legislative action and a ten- 181
year projection of the state's public and nonpublic school 182
enrollment, by year and by grade level. 183

(G) The state board shall prepare and submit to the 184
director of budget and management the biennial budgetary 185
requests of the state board of education, for its agencies and 186
for the public schools of the state. 187

(H) The state board shall cooperate with federal, state, 188
and local agencies concerned with the health and welfare of 189
children and youth of the state. 190

(I) The state board shall require such reports from school 191
districts and educational service centers, school officers, and 192
employees as are necessary and desirable. The superintendents 193
and treasurers of school districts and educational service 194
centers shall certify as to the accuracy of all reports required 195
by law or state board or state department of education rules to 196
be submitted by the district or educational service center and 197
which contain information necessary for calculation of state 198

funding. Any superintendent who knowingly falsifies such report 199
shall be subject to license revocation pursuant to section 200
3319.31 of the Revised Code. 201

(J) In accordance with Chapter 119. of the Revised Code, 202
the state board shall adopt procedures, standards, and 203
guidelines for the education of children with disabilities 204
pursuant to Chapter 3323. of the Revised Code, including 205
procedures, standards, and guidelines governing programs and 206
services operated by county boards of developmental disabilities 207
pursuant to section 3323.09 of the Revised Code. 208

(K) For the purpose of encouraging the development of 209
special programs of education for academically gifted children, 210
the state board shall employ competent persons to analyze and 211
publish data, promote research, advise and counsel with boards 212
of education, and encourage the training of teachers in the 213
special instruction of gifted children. The board may provide 214
financial assistance out of any funds appropriated for this 215
purpose to boards of education and educational service center 216
governing boards for developing and conducting programs of 217
education for academically gifted children. 218

(L) The state board shall require that all public schools 219
emphasize and encourage, within existing units of study, the 220
teaching of energy and resource conservation as recommended to 221
each district board of education by leading business persons 222
involved in energy production and conservation, beginning in the 223
primary grades. 224

(M) The state board shall formulate and prescribe minimum 225
standards requiring the use of phonics as a technique in the 226
teaching of reading in grades kindergarten through three. In 227
addition, the state board shall provide in-service training 228

programs for teachers on the use of phonics as a technique in 229
the teaching of reading in grades kindergarten through three. 230

(N) The state board may adopt rules necessary for carrying 231
out any function imposed on it by law, and may provide rules as 232
are necessary for its government and the government of its 233
employees, and may delegate to the superintendent of public 234
instruction the management and administration of any function 235
imposed on it by law. It may provide for the appointment of 236
board members to serve on temporary committees established by 237
the board for such purposes as are necessary. Permanent or 238
standing committees shall not be created. 239

(O) Upon application from the board of education of a 240
school district, the superintendent of public instruction may 241
issue a waiver exempting the district from compliance with the 242
standards adopted under divisions (B) (2) and (D) of this 243
section, as they relate to the operation of a school operated by 244
the district. The state board shall adopt standards for the 245
approval or disapproval of waivers under this division. The 246
state superintendent shall consider every application for a 247
waiver, and shall determine whether to grant or deny a waiver in 248
accordance with the state board's standards. For each waiver 249
granted, the state superintendent shall specify the period of 250
time during which the waiver is in effect, which shall not 251
exceed five years. A district board may apply to renew a waiver. 252

Sec. 3301.078. (A) No official or board of this state, 253
whether appointed or elected, shall enter into any agreement or 254
memorandum of understanding with any federal or private entity 255
that would require the state to cede any measure of control over 256
the development, adoption, or revision of academic content 257
standards. 258

(B) No funds appropriated from the general revenue fund 259
shall be used to purchase an assessment developed by the 260
partnership for assessment of readiness for college and careers 261
for use as the assessments prescribed under sections 3301.0710 262
and 3301.0712 of the Revised Code. 263

(C) The state board of education shall not adopt, and the 264
department of education shall not implement, academic content 265
standards in English language arts, mathematics, science, or 266
social studies that were developed by the common core state 267
standards initiative or any similar initiative process or 268
program. The state board shall not use any assessment developed 269
by the partnership for assessment of readiness for college and 270
careers, the smarter balanced assessment, or any other 271
assessments related to or based on the common core state 272
standards as any of the assessments prescribed under section 273
3301.0710 or 3301.0712 of the Revised Code. 274

Any actions taken to adopt or implement the common core 275
state standards as of the effective date of this section are 276
void. 277

(D) (1) No official of this state, whether appointed or 278
elected, shall join on behalf of the state or a state agency any 279
consortium, association, or other entity when such membership 280
would require the state or a school district board to cede any 281
measure of control over education, including academic content 282
standards and assessments of such standards. 283

(2) Any academic content standards adopted by the state 284
board shall be limited to the subject areas prescribed under 285
division (A) of section 3301.079 of the Revised Code. 286

(E) (1) Notwithstanding anything in the Revised Code to the 287

contrary, no state funds shall be withheld from a school 288
district or school for failure to adopt or use the state 289
academic content standards or for use of standards other than 290
the common core state standards. 291

(2) No school district or school shall be required to use 292
any academic content standards as a condition to receive state 293
funds. 294

(F) If the United States department of education requires 295
as a condition of a federal education grant that the grant 296
recipient provide personally identifiable information of 297
students or teachers, the grant recipient shall provide 298
aggregate data only. The grant recipient shall not release 299
personally identifiable information without informed written 300
consent of the student's parent or guardian or of the teacher. 301

Sec. 3301.079. (A) (1) The Notwithstanding section 302
3301.0718 of the Revised Code, not later than June 30, 2018, the 303
state board of education periodically shall adopt new statewide 304
academic content standards with emphasis on coherence, focus, 305
and essential knowledge and that are more challenging and 306
demanding when compared to international standards for each of 307
grades kindergarten through twelve in English language arts, 308
mathematics, science, and social studies that are consistent 309
with the standards adopted by the commonwealth of Massachusetts 310
as they existed prior to 2010. The standards adopted under this 311
section shall be as identical as possible to those adopted by 312
Massachusetts, except where an Ohio context requires otherwise. 313

The state board may periodically update the academic 314
content standards but shall do so in accordance with division 315
(A) of section 3301.0718 of the Revised Code. 316

~~(a) The state board shall ensure that the standards do all of the following:~~ 317
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~~(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty first century;~~ 319
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~~(ii) Include the development of skill sets that promote information, media, and technological literacy;~~ 324
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~~(iii) Include interdisciplinary, project based, real world learning opportunities;~~ 326
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~~(iv) Instill life long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career technical education;~~ 328
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~~(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.~~ 332
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~~(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under ~~divisions (B) and division (C)~~ of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents~~ 334
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prescribed by this division in their historical context, which 346
teachers may use as a resource to assist students in reading the 347
documents within that context. 348

~~(e)~~ (b) When the state board adopts or revises academic 349
content standards in social studies, American history, American 350
government, or science under division (A) (1) of this section, 351
the state board shall develop such standards independently and 352
not as part of a multistate consortium. 353

(2) After completing the standards required by division 354
(A) (1) of this section, the state board shall adopt standards 355
~~and model curricula~~ for instruction in technology, financial 356
literacy and entrepreneurship, fine arts, and foreign language 357
for grades kindergarten through twelve. ~~The standards shall meet~~ 358
~~the same requirements prescribed in division (A) (1) (a) of this~~ 359
~~section.~~ 360

(3) The state board shall adopt the most recent standards 361
developed by the national association for sport and physical 362
education for physical education in grades kindergarten through 363
twelve or shall adopt its own standards for physical education 364
in those grades and revise and update them periodically. 365

The department of education shall employ a full-time 366
physical education coordinator to provide guidance and technical 367
assistance to districts, community schools, and STEM schools in 368
implementing the physical education standards adopted under this 369
division. The superintendent of public instruction shall 370
determine that the person employed as coordinator is qualified 371
for the position, as demonstrated by possessing an adequate 372
combination of education, license, and experience. 373

(4) When academic standards have been completed for any 374

subject area required by this section, the state board shall 375
inform all school districts, all community schools established 376
under Chapter 3314. of the Revised Code, all STEM schools 377
established under Chapter 3326. of the Revised Code, and all 378
nonpublic schools required to administer the assessments 379
prescribed by sections 3301.0710 and 3301.0712 of the Revised 380
Code of the content of those standards. Additionally, upon 381
completion of any academic standards under this section, the 382
department shall post those standards on the department's web 383
site. 384

Nothing in this section requires any school district to 385
utilize all or any part of the academic content standards 386
adopted under this section. 387

~~(B) (1) The state board shall adopt a model curriculum for 388~~
~~instruction in each subject area for which updated academic 389~~
~~standards are required by division (A) (1) of this section and 390~~
~~for each of grades kindergarten through twelve that is 391~~
~~sufficient to meet the needs of students in every community. The 392~~
~~model curriculum shall be aligned with the standards, to ensure 393~~
~~that the academic content and skills specified for each grade 394~~
~~level are taught to students, and shall demonstrate vertical 395~~
~~articulation and emphasize coherence, focus, and rigor. When any 396~~
~~model curriculum has been completed, the state board shall 397~~
~~inform all school districts, community schools, and STEM schools 398~~
~~of the content of that model curriculum. 399~~

~~(2) Not later than June 30, 2013, the state board, in 400~~
~~consultation with any office housed in the governor's office 401~~
~~that deals with workforce development, shall adopt model 402~~
~~curricula for grades kindergarten through twelve that embed 403~~
~~career connection learning strategies into regular classroom 404~~

~~instruction.~~ 405

~~(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.~~ 406
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~~Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section. The state board shall not adopt any model curricula that are aligned with the new academic content standards adopted under division (A) of this section.~~ 414
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(C) The state board shall develop achievement assessments aligned with the academic content standards ~~and model curriculum~~ for each of the subject areas and grade levels required by ~~divisions (A) (1) and (B) (1) of section~~ sections 3301.0710 and 3301.0712 of the Revised Code. 419
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When any achievement assessment has been completed, the state board shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its completion, and the department shall make the achievement assessment available to the districts and schools. 424
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(D) (1) The state board shall adopt a diagnostic assessment aligned with the academic standards ~~and model curriculum~~ for each of grades kindergarten through two in reading, writing, and mathematics and for grade three in reading and writing. The 430
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diagnostic assessment shall be designed to measure student 434
comprehension of academic content and mastery of related skills 435
for the relevant subject area and grade level. Any diagnostic 436
assessment shall not include components to identify gifted 437
students. Blank copies of diagnostic assessments shall be public 438
records. 439

(2) When each diagnostic assessment has been completed, 440
the state board shall inform all school districts of its 441
completion and the department shall make the diagnostic 442
assessment available to the districts at no cost to the 443
district. 444

(3) School districts shall administer the diagnostic 445
assessment pursuant to section 3301.0715 of the Revised Code 446
beginning the first school year following the development of the 447
assessment. 448

However, beginning with the 2017-2018 school year, both of 449
the following shall apply: 450

(a) In the case of the diagnostic assessments for grades 451
one or two in writing or mathematics or for grade three in 452
writing, a school district shall not be required to administer 453
any such assessment, but may do so at the discretion of the 454
district board; 455

(b) In the case of any diagnostic assessment that is not 456
for the grade levels and subject areas specified in division (D) 457
(3)(a) of this section, each school district shall administer 458
the assessment in the manner prescribed by section 3301.0715 of 459
the Revised Code. 460

(E) The state board shall not adopt a diagnostic or 461
achievement assessment for any grade level or subject area other 462

than those specified in this section. 463

(F) Whenever the state board or the department consults 464
with persons for the purpose of drafting or reviewing any 465
standards, diagnostic assessments, or achievement assessments, ~~—~~ 466
~~or model curriculum~~ required under this section, the state board 467
or the department shall first consult with parents of students 468
in kindergarten through twelfth grade and with active Ohio 469
classroom teachers, other school personnel, and administrators 470
with expertise in the appropriate subject area. Whenever 471
practicable, the state board and department shall consult with 472
teachers recognized as outstanding in their fields. 473

If the department contracts with more than one outside 474
entity for the development of the achievement assessments 475
required by this section, the department shall ensure the 476
interchangeability of those assessments. 477

~~(G) Whenever the state board adopts standards or model~~ 478
~~curricula under this section, the department also shall provide~~ 479
~~information on the use of blended or digital learning in the~~ 480
~~delivery of the standards or curricula to students in accordance~~ 481
~~with division (A) (4) of this section.~~ 482

~~(H)~~The fairness sensitivity review committee, established 483
by rule of the state board of education, shall not allow any 484
question on any achievement or diagnostic assessment developed 485
under this section or any proficiency test prescribed by former 486
section 3301.0710 of the Revised Code, as it existed prior to 487
September 11, 2001, to include, be written to promote, or 488
inquire as to individual moral or social values or beliefs. The 489
decision of the committee shall be final. This section does not 490
create a private cause of action. 491

~~(I) (1) (a) The English language arts academic standards review committee is hereby created to review academic content standards in the subject of English language arts. The committee shall consist of the following members:~~

~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~

~~(ii) One parent or guardian appointed by the president of the senate;~~

~~(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;~~

~~(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;~~

~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~

~~(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members:~~

~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~

- ~~(ii) One parent or guardian appointed by the speaker of the house of representatives;~~ 521
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- ~~(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;~~ 523
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- ~~(iv) The chancellor, or the chancellor's designee;~~ 525
- ~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 526
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- ~~(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:~~ 528
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- ~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 532
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- ~~(ii) One parent or guardian appointed by the president of the senate;~~ 538
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- ~~(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;~~ 540
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- ~~(iv) The chancellor, or the chancellor's designee;~~ 543
- ~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 544
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- ~~(d) The social studies academic standards review committee is hereby created to review academic content standards in the~~ 546
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~~subject of social studies. The committee shall consist of the~~ 548
~~following members:~~ 549

~~(i) Three experts who are residents of this state and who~~ 550
~~primarily conduct research, provide instruction, currently work~~ 551
~~in, or possess an advanced degree in the subject area. One~~ 552
~~expert shall be appointed by each of the president of the~~ 553
~~senate, the speaker of the house of representatives, and the~~ 554
~~governor;~~ 555

~~(ii) One parent or guardian appointed by the speaker of~~ 556
~~the house of representatives;~~ 557

~~(iii) One educator who is currently teaching in a~~ 558
~~classroom, appointed by the president of the senate;~~ 559

~~(iv) The chancellor, or the chancellor's designee;~~ 560

~~(v) The state superintendent, or the superintendent's~~ 561
~~designee, who shall serve as the chairperson of the committee.~~ 562

~~(2) (a) Each committee created in division (I) (1) of this~~ 563
~~section shall review the academic content standards for its~~ 564
~~respective subject area to ensure that such standards are clear,~~ 565
~~concise, and appropriate for each grade level and promote higher~~ 566
~~student performance, learning, subject matter comprehension, and~~ 567
~~improved student achievement. Each committee also shall review~~ 568
~~whether the standards for its respective subject area promote~~ 569
~~essential knowledge in the subject, lifelong learning, the~~ 570
~~liberal arts tradition, and college and career readiness and~~ 571
~~whether the standards reduce remediation.~~ 572

~~(b) Each committee shall determine whether the assessments~~ 573
~~submitted to that committee under division (I) (4) of this~~ 574
~~section are appropriate for the committee's respective subject~~ 575
~~area and meet the academic content standards adopted under this~~ 576

~~section and community expectations.~~ 577

~~(3) The department of education shall provide administrative support for each committee created in division (I)(1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.~~ 578
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~~(4) Notwithstanding anything to the contrary in division (O) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I)(1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The department shall provide each committee with the entire content of each relevant assessment, including corresponding answers.~~ 584
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~~The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (O) of section 3301.0711 of the Revised Code.~~ 593
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~~(J)(H) Not later than sixty days prior to the adoption by the state board of updated academic content standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall present the academic content standards or model curricula, as applicable, in person at a public hearing of the respective committees of the house of representatives and senate that consider education legislation.~~ 599
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~~(K) As used in this section:~~ 607

~~(1) "Blended learning" means the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.~~ 608
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~~(2) "Coherence" means a reflection of the structure of the discipline being taught.~~ 612
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~~(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.~~ 614
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~~(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.~~ 617
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~~(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.~~ 620
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Sec. 3301.0710. The state board of education shall adopt rules establishing a ~~statewide program method~~ to assess student achievement. The state board shall ensure that all assessments administered under the program are aligned with the academic standards ~~and model curricula~~ adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code. 626
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The ~~assessment program method~~ of assessing student achievement shall be designed to ensure that students who 634
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receive a high school diploma demonstrate at least high school 636
levels of achievement in English language arts, mathematics, 637
science, and social studies. 638

(A) (1) The state board shall prescribe all of the 639
following: 640

(a) Two ~~statewide~~ summative achievement assessments, one 641
each designed to measure the level of English language arts and 642
mathematics skill expected at the end of third grade; 643

(b) ~~Three statewide~~ Two summative achievement assessments, 644
one each designed to measure the level of English language arts, ~~—~~ 645
and mathematics, ~~and social studies~~ skill expected at the end of 646
fourth grade; 647

(c) Three ~~statewide~~ summative achievement assessments, one 648
each designed to measure the level of English language arts, 649
mathematics, and science skill expected at the end of fifth 650
grade; 651

(d) ~~Three statewide~~ Two summative achievement assessments, 652
one each designed to measure the level of English language arts, ~~—~~ 653
and mathematics, ~~and social studies~~ skill expected at the end of 654
sixth grade; 655

(e) Two ~~statewide~~ summative achievement assessments, one 656
each designed to measure the level of English language arts and 657
mathematics skill expected at the end of seventh grade; 658

(f) Three ~~statewide~~ summative achievement assessments, one 659
each designed to measure the level of English language arts, 660
mathematics, and science skill expected at the end of eighth 661
grade. 662

(2) The state board shall determine and designate at least 663

five ranges of scores on each of the achievement assessments 664
described in divisions (A) (1) and (B) (1) of this section. Each 665
range of scores shall be deemed to demonstrate a level of 666
achievement so that any student attaining a score within such 667
range has achieved one of the following: 668

- (a) An advanced level of skill; 669
- (b) An accelerated level of skill; 670
- (c) A proficient level of skill; 671
- (d) A basic level of skill; 672
- (e) A limited level of skill. 673

(3) For the purpose of implementing division (A) of 674
section 3313.608 of the Revised Code, the state board shall 675
determine and designate a level of achievement, not lower than 676
the level designated in division (A) (2) (e) of this section, on 677
the third grade English language arts assessment for a student 678
to be promoted to the fourth grade. The state board shall review 679
and adjust upward the level of achievement designated under this 680
division each year the test is administered until the level is 681
set equal to the level designated in division (A) (2) (c) of this 682
section. 683

(4) The assessments administered under this section shall 684
be the assessments administered prior to 2010 in Iowa. 685

(B) (1) The assessments prescribed under division (B) (1) of 686
this section shall collectively be known as the Ohio graduation 687
tests. The state board shall prescribe five statewide high 688
school achievement assessments, one each designed to measure the 689
level of reading, writing, mathematics, science, and social 690
studies skill expected at the end of tenth grade. The state 691

board shall designate a score in at least the range designated 692
under division (A) (2) (c) of this section on each such assessment 693
that shall be deemed to be a passing score on the assessment as 694
a condition toward granting high school diplomas under sections 695
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 696
until the assessment system prescribed by section 3301.0712 of 697
the Revised Code is implemented in accordance with division (B) 698
(2) of this section. 699

(2) The state board shall prescribe an assessment system 700
in accordance with section 3301.0712 of the Revised Code that 701
shall replace the Ohio graduation tests beginning with students 702
who enter the ninth grade for the first time on or after July 1, 703
2014. 704

(3) The state board may enter into a reciprocal agreement 705
with the appropriate body or agency of any other state that has 706
similar statewide achievement assessment requirements for 707
receiving high school diplomas, under which any student who has 708
met an achievement assessment requirement of one state is 709
recognized as having met the similar requirement of the other 710
state for purposes of receiving a high school diploma. For 711
purposes of this section and sections 3301.0711 and 3313.61 of 712
the Revised Code, any student enrolled in any public high school 713
in this state who has met an achievement assessment requirement 714
specified in a reciprocal agreement entered into under this 715
division shall be deemed to have attained at least the 716
applicable score designated under this division on each 717
assessment required by division (B) (1) or (2) of this section 718
that is specified in the agreement. 719

(C) The superintendent of public instruction shall 720
designate dates and times for the administration of the 721

assessments prescribed by divisions (A) and (B) of this section. 722

The administration of the assessments prescribed by 723
divisions (A) and (B) of this section shall occur at the 724
discretion of each district or school. 725

In prescribing administration dates pursuant to this 726
division, the superintendent shall designate the dates in such a 727
way as to allow a reasonable length of time between the 728
administration of assessments prescribed under this section and 729
any administration of the national assessment of educational 730
progress given to students in the same grade level pursuant to 731
section 3301.27 of the Revised Code or federal law. 732

(D) The state board shall prescribe a practice version of 733
each Ohio graduation test described in division (B) (1) of this 734
section that is of comparable length to the actual test. 735

(E) Any committee established by the department of 736
education for the purpose of making recommendations to the state 737
board regarding the state board's designation of scores on the 738
assessments described by this section shall inform the state 739
board of the probable percentage of students who would score in 740
each of the ranges established under division (A) (2) of this 741
section on the assessments if the committee's recommendations 742
are adopted by the state board. To the extent possible, these 743
percentages shall be disaggregated by gender, major racial and 744
ethnic groups, limited English proficient students, economically 745
disadvantaged students, students with disabilities, and migrant 746
students. 747

Sec. 3301.0711. (A) The department of education shall: 748

(1) Annually furnish to, grade, and score all assessments 749
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 750

the Revised Code to be administered by city, local, exempted 751
village, and joint vocational school districts, except that each 752
district shall score any assessment administered pursuant to 753
division (B) (10) of this section. Each assessment so furnished 754
shall include the data verification code of the student to whom 755
the assessment will be administered, as assigned pursuant to 756
division (D) (2) of section 3301.0714 of the Revised Code. In 757
furnishing the practice versions of Ohio graduation tests 758
prescribed by division (D) of section 3301.0710 of the Revised 759
Code, the department shall make the tests available on its web 760
site for reproduction by districts. In awarding contracts for 761
grading assessments, the department shall give preference to 762
Ohio-based entities employing Ohio residents. 763

(2) Adopt rules for the ethical use of assessments and 764
prescribing the manner in which the assessments prescribed by 765
section 3301.0710 of the Revised Code shall be administered to 766
students. 767

(B) Except as provided in divisions (C) and (J) of this 768
section, the board of education of each city, local, and 769
exempted village school district shall, in accordance with rules 770
adopted under division (A) of this section: 771

(1) Administer the English language arts assessments 772
prescribed under division (A) (1) (a) of section 3301.0710 of the 773
Revised Code twice annually to all students in the third grade 774
who have not attained the score designated for that assessment 775
under division (A) (2) (c) of section 3301.0710 of the Revised 776
Code. 777

(2) Administer the mathematics assessment prescribed under 778
division (A) (1) (a) of section 3301.0710 of the Revised Code at 779
least once annually to all students in the third grade. 780

(3) Administer the assessments prescribed under division	781
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	782
annually to all students in the fourth grade.	783
(4) Administer the assessments prescribed under division	784
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	785
annually to all students in the fifth grade.	786
(5) Administer the assessments prescribed under division	787
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	788
annually to all students in the sixth grade.	789
(6) Administer the assessments prescribed under division	790
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	791
annually to all students in the seventh grade.	792
(7) Administer the assessments prescribed under division	793
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	794
annually to all students in the eighth grade.	795
(8) Except as provided in division (B) (9) of this section,	796
administer any assessment prescribed under division (B) (1) of	797
section 3301.0710 of the Revised Code as follows:	798
(a) At least once annually to all tenth grade students and	799
at least twice annually to all students in eleventh or twelfth	800
grade who have not yet attained the score on that assessment	801
designated under that division;	802
(b) To any person who has successfully completed the	803
curriculum in any high school or the individualized education	804
program developed for the person by any high school pursuant to	805
section 3323.08 of the Revised Code but has not received a high	806
school diploma and who requests to take such assessment, at any	807
time such assessment is administered in the district.	808

(9) In lieu of the board of education of any city, local, 809
or exempted village school district in which the student is also 810
enrolled, the board of a joint vocational school district shall 811
administer any assessment prescribed under division (B) (1) of 812
section 3301.0710 of the Revised Code at least twice annually to 813
any student enrolled in the joint vocational school district who 814
has not yet attained the score on that assessment designated 815
under that division. A board of a joint vocational school 816
district may also administer such an assessment to any student 817
described in division (B) (8) (b) of this section. 818

(10) If the district has a three-year average graduation 819
rate of not more than seventy-five per cent, administer each 820
assessment prescribed by division (D) of section 3301.0710 of 821
the Revised Code in September to all ninth grade students who 822
entered ninth grade prior to July 1, 2014. 823

~~Except as provided in section 3313.614 of the Revised Code~~ 824
~~for administration of an assessment to a person who has~~ 825
~~fulfilled the curriculum requirement for a high school diploma~~ 826
~~but has not passed one or more of the required assessments, the~~ 827
~~assessments prescribed under division (B) (1) of section~~ 828
~~3301.0710 of the Revised Code shall not be administered after~~ 829
~~the date specified in the rules adopted by the state board of~~ 830
~~education under division (D) (1) of section 3301.0712 of the~~ 831
~~Revised Code.~~ 832

(11) (a) ~~Except as provided in division (B) (11) (b) of this~~ 833
~~section, administer~~ Administer the assessments prescribed by 834
division (B) (2) of section 3301.0710 and section 3301.0712 of 835
the Revised Code in accordance with the timeline and plan for 836
implementation of those assessments prescribed by rule of the 837
state board adopted under division (D) (1) of section 3301.0712 838

of the Revised Code 839

~~(b) A student who has presented evidence to the district 840
or school of having satisfied the condition prescribed by 841
division (A) (1) of section 3313.618 of the Revised Code to 842
qualify for a high school diploma prior to the date of the 843
administration of the assessment prescribed under division (B)
(1) of section 3301.0712 of the Revised Code shall not be 844
required to take that assessment. However, no board shall 845
prohibit a student who is not required to take such assessment 846
from taking the assessment. 847
848~~

(C) (1) (a) In the case of a student receiving special 849
education services under Chapter 3323. of the Revised Code, the 850
individualized education program developed for the student under 851
that chapter shall specify the manner in which the student will 852
participate in the assessments administered under this section, 853
except that a student with significant cognitive disabilities to 854
whom an alternate assessment is administered in accordance with 855
division (C) (1) of this section and a student determined to have 856
a disability that includes an intellectual disability as 857
outlined in guidance issued by the department shall not be 858
required to take the assessment prescribed under division (B) (1) 859
of section 3301.0712 of the Revised Code. The individualized 860
education program may excuse the student from taking any 861
particular assessment required to be administered under this 862
section if it instead specifies an alternate assessment method 863
approved by the department of education as conforming to 864
requirements of federal law for receipt of federal funds for 865
disadvantaged pupils. To the extent possible, the individualized 866
education program shall not excuse the student from taking an 867
assessment unless no reasonable accommodation can be made to 868
enable the student to take the assessment. No board shall 869

prohibit a student who is not required to take an assessment 870
under division (C) (1) of this section from taking the 871
assessment. 872

(b) Any alternate assessment approved by the department 873
for a student under this division shall produce measurable 874
results comparable to those produced by the assessment it 875
replaces in order to allow for the student's results to be 876
included in the data compiled for a school district or building 877
under section 3302.03 of the Revised Code. 878

(c) (i) Any student enrolled in a chartered nonpublic 879
school who has been identified, based on an evaluation conducted 880
in accordance with section 3323.03 of the Revised Code or 881
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 882
29 U.S.C.A. 794, as amended, as a child with a disability shall 883
be excused from taking any particular assessment required to be 884
administered under this section if a plan developed for the 885
student pursuant to rules adopted by the state board excuses the 886
student from taking that assessment. 887

(ii) A student with significant cognitive disabilities to 888
whom an alternate assessment is administered in accordance with 889
division (C) (1) of this section and a student determined to have 890
a disability that includes an intellectual disability as 891
outlined in guidance issued by the department shall not be 892
required to take the assessment prescribed under division (B) (1) 893
of section 3301.0712 of the Revised Code. 894

(iii) In the case of any student so excused from taking an 895
assessment under division (C) (1) (c) of this section, the 896
chartered nonpublic school shall not prohibit the student from 897
taking the assessment. 898

(2) A district board may, for medical reasons or other 899
good cause, excuse a student from taking an assessment 900
administered under this section on the date scheduled, but that 901
assessment shall be administered to the excused student not 902
later than nine days following the scheduled date. The district 903
board shall annually report the number of students who have not 904
taken one or more of the assessments required by this section to 905
the state board not later than the thirtieth day of June. 906

(3) As used in this division, "limited English proficient 907
student" has the same meaning as in 20 U.S.C. 7801. 908

No school district board shall excuse any limited English 909
proficient student from taking any particular assessment 910
required to be administered under this section, except as 911
follows: 912

(a) Any limited English proficient student who has been 913
enrolled in United States schools for less than two years and 914
for whom no appropriate accommodations are available based on 915
guidance issued by the department shall not be required to take 916
the assessment prescribed under division (B) (1) of section 917
3301.0712 of the Revised Code. 918

(b) Any limited English proficient student who has been 919
enrolled in United States schools for less than one full school 920
year shall not be required to take any reading, writing, or 921
English language arts assessment. 922

However, no board shall prohibit a limited English 923
proficient student who is not required to take an assessment 924
under division (C) (3) of this section from taking the 925
assessment. A board may permit any limited English proficient 926
student to take an assessment required to be administered under 927

this section with appropriate accommodations, as determined by 928
the department. For each limited English proficient student, 929
each school district shall annually assess that student's 930
progress in learning English, in accordance with procedures 931
approved by the department. 932

(4) (a) The governing authority of a chartered nonpublic 933
school may excuse a limited English proficient student from 934
taking any assessment administered under this section. 935

(b) No governing authority shall require a limited English 936
proficient student who has been enrolled in United States 937
schools for less than two years and for whom no appropriate 938
accommodations are available based on guidance issued by the 939
department to take the assessment prescribed under division (B) 940
(1) of section 3301.0712 of the Revised Code. 941

(c) No governing authority shall prohibit a limited 942
English proficient student from taking an assessment from which 943
the student was excused under division (C) (4) of this section. 944

(D) (1) In the school year next succeeding the school year 945
in which the assessments prescribed by division (A) (1) or (B) (1) 946
of section 3301.0710 of the Revised Code or former division (A) 947
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 948
it existed prior to September 11, 2001, are administered to any 949
student, the board of education of any school district in which 950
the student is enrolled in that year shall provide to the 951
student intervention services commensurate with the student's 952
performance, including any intensive intervention required under 953
section 3313.608 of the Revised Code, in any skill in which the 954
student failed to demonstrate at least a score at the proficient 955
level on the assessment. 956

(2) Following any administration of the assessments 957
prescribed by division (D) of section 3301.0710 of the Revised 958
Code to ninth grade students, each school district that has a 959
three-year average graduation rate of not more than seventy-five 960
per cent shall determine for each high school in the district 961
whether the school shall be required to provide intervention 962
services to any students who took the assessments. In 963
determining which high schools shall provide intervention 964
services based on the resources available, the district shall 965
consider each school's graduation rate and scores on the 966
practice assessments. The district also shall consider the 967
scores received by ninth grade students on the English language 968
arts and mathematics assessments prescribed under division (A) 969
(1)(f) of section 3301.0710 of the Revised Code in the eighth 970
grade in determining which high schools shall provide 971
intervention services. 972

Each high school selected to provide intervention services 973
under this division shall provide intervention services to any 974
student whose results indicate that the student is failing to 975
make satisfactory progress toward being able to attain scores at 976
the proficient level on the Ohio graduation tests. Intervention 977
services shall be provided in any skill in which a student 978
demonstrates unsatisfactory progress and shall be commensurate 979
with the student's performance. Schools shall provide the 980
intervention services prior to the end of the school year, 981
during the summer following the ninth grade, in the next 982
succeeding school year, or at any combination of those times. 983

(E) Except as provided in section 3313.608 of the Revised 984
Code and division (N) of this section, no school district board 985
of education shall utilize any student's failure to attain a 986
specified score on an assessment administered under this section 987

as a factor in any decision to deny the student promotion to a 988
higher grade level. However, a district board may choose not to 989
promote to the next grade level any student who does not take an 990
assessment administered under this section or make up an 991
assessment as provided by division (C) (2) of this section and 992
who is not exempt from the requirement to take the assessment 993
under division (C) (3) of this section. 994

(F) No person shall be charged a fee for taking any 995
assessment administered under this section. 996

(G) (1) Each school district board shall designate one 997
location for the collection of assessments administered in the 998
spring under division (B) (1) of this section and those 999
administered under divisions (B) (2) to (7) of this section. Each 1000
district board shall submit the assessments to the entity with 1001
which the department contracts for the scoring of the 1002
assessments as follows: 1003

(a) If the district's total enrollment in grades 1004
kindergarten through twelve during the first full school week of 1005
October was less than two thousand five hundred, not later than 1006
the Friday after all of the assessments have been administered; 1007

(b) If the district's total enrollment in grades 1008
kindergarten through twelve during the first full school week of 1009
October was two thousand five hundred or more, but less than 1010
seven thousand, not later than the Monday after all of the 1011
assessments have been administered; 1012

(c) If the district's total enrollment in grades 1013
kindergarten through twelve during the first full school week of 1014
October was seven thousand or more, not later than the Tuesday 1015
after all of the assessments have been administered. 1016

However, any assessment that a student takes during the
make-up period described in division (C) (2) of this section
shall be submitted not later than the Friday following the day
the student takes the assessment.

(2) The department or an entity with which the department
contracts for the scoring of the assessment shall send to each
school district board a list of the individual scores of all
persons taking a state achievement assessment as follows:

(a) Except as provided in division (G) (2) (b) or (c) of
this section, within forty-five days after the administration of
the assessments prescribed by sections 3301.0710 and 3301.0712
of the Revised Code, but in no case shall the scores be returned
later than the thirtieth day of June following the
administration;

(b) In the case of the third-grade English language arts
assessment, within forty-five days after the administration of
that assessment, but in no case shall the scores be returned
later than the fifteenth day of June following the
administration;

(c) In the case of the writing component of an assessment
or end-of-course examination in the area of English language
arts, except for the third-grade English language arts
assessment, the results may be sent after forty-five days of the
administration of the writing component, but in no case shall
the scores be returned later than the thirtieth day of June
following the administration.

(3) For assessments administered under this section by a
joint vocational school district, the department or entity shall
also send to each city, local, or exempted village school

district a list of the individual scores of any students of such 1046
city, local, or exempted village school district who are 1047
attending school in the joint vocational school district. 1048

(H) Individual scores on any assessments administered 1049
under this section shall be released by a district board only in 1050
accordance with section 3319.321 of the Revised Code and the 1051
rules adopted under division (A) of this section. No district 1052
board or its employees shall utilize individual or aggregate 1053
results in any manner that conflicts with rules for the ethical 1054
use of assessments adopted pursuant to division (A) of this 1055
section. 1056

(I) Except as provided in division (G) of this section, 1057
the department or an entity with which the department contracts 1058
for the scoring of the assessment shall not release any 1059
individual scores on any assessment administered under this 1060
section. The state board shall adopt rules to ensure the 1061
protection of student confidentiality at all times. The rules 1062
may require the use of the data verification codes assigned to 1063
students pursuant to division (D)(2) of section 3301.0714 of the 1064
Revised Code to protect the confidentiality of student scores. 1065

(J) Notwithstanding division (D) of section 3311.52 of the 1066
Revised Code, this section does not apply to the board of 1067
education of any cooperative education school district except as 1068
provided under rules adopted pursuant to this division. 1069

(1) In accordance with rules that the state board shall 1070
adopt, the board of education of any city, exempted village, or 1071
local school district with territory in a cooperative education 1072
school district established pursuant to divisions (A) to (C) of 1073
section 3311.52 of the Revised Code may enter into an agreement 1074
with the board of education of the cooperative education school 1075

district for administering any assessment prescribed under this 1076
section to students of the city, exempted village, or local 1077
school district who are attending school in the cooperative 1078
education school district. 1079

(2) In accordance with rules that the state board shall 1080
adopt, the board of education of any city, exempted village, or 1081
local school district with territory in a cooperative education 1082
school district established pursuant to section 3311.521 of the 1083
Revised Code shall enter into an agreement with the cooperative 1084
district that provides for the administration of any assessment 1085
prescribed under this section to both of the following: 1086

(a) Students who are attending school in the cooperative 1087
district and who, if the cooperative district were not 1088
established, would be entitled to attend school in the city, 1089
local, or exempted village school district pursuant to section 1090
3313.64 or 3313.65 of the Revised Code; 1091

(b) Persons described in division (B) (8) (b) of this 1092
section. 1093

Any assessment of students pursuant to such an agreement 1094
shall be in lieu of any assessment of such students or persons 1095
pursuant to this section. 1096

(K) (1) Except as otherwise provided in division (K) (1) or 1097
(2) of this section, each chartered nonpublic school for which 1098
at least sixty-five per cent of its total enrollment is made up 1099
of students who are participating in state scholarship programs 1100
shall administer the elementary assessments prescribed by 1101
section 3301.0710 of the Revised Code. In accordance with 1102
procedures and deadlines prescribed by the department, the 1103
parent or guardian of a student enrolled in the school who is 1104

not participating in a state scholarship program may submit 1105
notice to the chief administrative officer of the school that 1106
the parent or guardian does not wish to have the student take 1107
the elementary assessments prescribed for the student's grade 1108
level under division (A) of section 3301.0710 of the Revised 1109
Code. If a parent or guardian submits an opt-out notice, the 1110
school shall not administer the assessments to that student. 1111
This option does not apply to any assessment ~~required for a high-~~ 1112
~~school diploma prescribed~~ under section ~~3313.612-3301.0712~~ of 1113
the Revised Code. 1114

(2) A chartered nonpublic school may submit to the 1115
superintendent of public instruction a request for a waiver from 1116
administering the elementary assessments prescribed by division 1117
(A) of section 3301.0710 of the Revised Code. The state 1118
superintendent shall approve or disapprove a request for a 1119
waiver submitted under division (K) (2) of this section. No 1120
waiver shall be approved for any school year prior to the 2015- 1121
2016 school year. 1122

To be eligible to submit a request for a waiver, a 1123
chartered nonpublic school shall meet the following conditions: 1124

(a) At least ninety-five per cent of the students enrolled 1125
in the school are children with disabilities, as defined under 1126
section 3323.01 of the Revised Code, or have received a 1127
diagnosis by a school district or from a physician, including a 1128
neuropsychiatrist or psychiatrist, or a psychologist who is 1129
authorized to practice in this or another state as having a 1130
condition that impairs academic performance, such as dyslexia, 1131
dyscalculia, attention deficit hyperactivity disorder, or 1132
Asperger's syndrome. 1133

(b) The school has solely served a student population 1134

described in division (K) (1) (a) of this section for at least ten 1135
years. 1136

(c) The school provides to the department at least five 1137
years of records of internal testing conducted by the school 1138
that affords the department data required for accountability 1139
purposes, including diagnostic assessments and nationally 1140
standardized norm-referenced achievement assessments that 1141
measure reading and math skills. 1142

(3) Any chartered nonpublic school that is not subject to 1143
division (K) (1) of this section may participate in the 1144
assessment program by administering any of the assessments 1145
prescribed by division (A) of section 3301.0710 of the Revised 1146
Code. The chief administrator of the school shall specify which 1147
assessments the school will administer. Such specification shall 1148
be made in writing to the superintendent of public instruction 1149
prior to the first day of August of any school year in which 1150
assessments are administered and shall include a pledge that the 1151
nonpublic school will administer the specified assessments in 1152
the same manner as public schools are required to do under this 1153
section and rules adopted by the department. 1154

(4) The department of education shall furnish the 1155
assessments prescribed by section 3301.0710 of the Revised Code 1156
to each chartered nonpublic school that is subject to division 1157
(K) (1) of this section or participates under division (K) (3) of 1158
this section. 1159

(L) If a chartered nonpublic school is educating students 1160
in grades nine through twelve, the following shall apply: 1161

(1) For a student who is enrolled in a chartered nonpublic 1162
school that is accredited through the independent schools 1163

association of the central states and who is attending the 1164
school under a state scholarship program, the student shall 1165
either take all of the assessments prescribed by division (B) of 1166
section 3301.0712 of the Revised Code or take an alternative 1167
assessment approved by the department under section 3313.619 of 1168
the Revised Code. However, a student who is excused from taking 1169
an assessment under division (C) of this section ~~or has~~ 1170
~~presented evidence to the chartered nonpublic school of having~~ 1171
~~satisfied the condition prescribed by division (A) (1) of section~~ 1172
~~3313.618 of the Revised Code to qualify for a high school~~ 1173
~~diploma prior to the date of the administration of the~~ 1174
~~assessment prescribed under division (B) (1) of section 3301.0712~~ 1175
~~of the Revised Code shall not be required to take that~~ 1176
assessment. No governing authority of a chartered nonpublic 1177
school shall prohibit a student who is not required to take such 1178
assessment from taking the assessment. 1179

(2) For a student who is enrolled in a chartered nonpublic 1180
school that is accredited through the independent schools 1181
association of the central states, and who is not attending the 1182
school under a state scholarship program, the student shall not 1183
be required to take any assessment prescribed under section 1184
3301.0712 or 3313.619 of the Revised Code. 1185

(3) (a) Except as provided in division (L) (3) (b) of this 1186
section, for a student who is enrolled in a chartered nonpublic 1187
school that is not accredited through the independent schools 1188
association of the central states, regardless of whether the 1189
student is attending or is not attending the school under a 1190
state scholarship program, the student shall do one of the 1191
following: 1192

(i) Take all of the assessments prescribed by division (B) 1193

of section 3301.0712 of the Revised Code; 1194

(ii) Take only the assessment prescribed by division (B) 1195
(1) of section 3301.0712 of the Revised Code, provided that the 1196
student's school publishes the results of that assessment for 1197
each graduating class. The published results of that assessment 1198
shall include the overall composite scores, mean scores, twenty- 1199
fifth percentile scores, and seventy-fifth percentile scores for 1200
each subject area of the assessment. 1201

(iii) Take an alternative assessment approved by the 1202
department under section 3313.619 of the Revised Code. 1203

(b) A student who is excused from taking an assessment 1204
under division (C) of this section ~~or has presented evidence to~~ 1205
~~the chartered nonpublic school of having satisfied the condition~~ 1206
~~prescribed by division (A) (1) of section 3313.618 of the Revised~~ 1207
~~Code to qualify for a high school diploma prior to the date of~~ 1208
~~the administration of the assessment prescribed under division~~ 1209
~~(B) (1) of section 3301.0712 of the Revised Code shall not be~~ 1210
required to take that assessment. No governing authority of a 1211
chartered nonpublic school shall prohibit a student who is not 1212
required to take such assessment from taking the assessment. 1213

(4) The department shall furnish the assessments 1214
administered by a nonpublic school pursuant to division (B) of 1215
section 3301.0712 of the Revised Code. 1216

(M) (1) The superintendent of the state school for the 1217
blind and the superintendent of the state school for the deaf 1218
shall administer the assessments described by sections 3301.0710 1219
and 3301.0712 of the Revised Code. Each superintendent shall 1220
administer the assessments in the same manner as district boards 1221
are required to do under this section and rules adopted by the 1222

department of education and in conformity with division (C) (1) 1223
(a) of this section. 1224

(2) The department of education shall furnish the 1225
assessments described by sections 3301.0710 and 3301.0712 of the 1226
Revised Code to each superintendent. 1227

(N) Notwithstanding division (E) of this section, a school 1228
district may use a student's failure to attain a score in at 1229
least the proficient range on the mathematics assessment 1230
described by division (A) (1) (a) of section 3301.0710 of the 1231
Revised Code or on an assessment described by division (A) (1) 1232
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 1233
Code as a factor in retaining that student in the current grade 1234
level. 1235

(O) (1) In the manner specified in divisions (O) (3), (4), 1236
and (6) of this section, the assessments required by division 1237
(A) (1) of section 3301.0710 of the Revised Code shall become 1238
public records pursuant to section 149.43 of the Revised Code on 1239
the thirty-first day of July following the school year that the 1240
assessments were administered. 1241

(2) The department may field test proposed questions with 1242
samples of students to determine the validity, reliability, or 1243
appropriateness of questions for possible inclusion in a future 1244
year's assessment. The department also may use anchor questions 1245
on assessments to ensure that different versions of the same 1246
assessment are of comparable difficulty. 1247

Field test questions and anchor questions shall not be 1248
considered in computing scores for individual students. Field 1249
test questions and anchor questions may be included as part of 1250
the administration of any assessment required by division (A) (1) 1251

or (B) of section 3301.0710 and division (B) of section 1252
3301.0712 of the Revised Code. 1253

(3) Any field test question or anchor question 1254
administered under division (O)(2) of this section shall not be 1255
a public record. Such field test questions and anchor questions 1256
shall be redacted from any assessments which are released as a 1257
public record pursuant to division (O)(1) of this section. 1258

(4) This division applies to the assessments prescribed by 1259
division (A) of section 3301.0710 of the Revised Code. 1260

(a) The first administration of each assessment, as 1261
specified in former section 3301.0712 of the Revised Code, shall 1262
be a public record. 1263

(b) For subsequent administrations of each assessment 1264
prior to the 2011-2012 school year, not less than forty per cent 1265
of the questions on the assessment that are used to compute a 1266
student's score shall be a public record. The department shall 1267
determine which questions will be needed for reuse on a future 1268
assessment and those questions shall not be public records and 1269
shall be redacted from the assessment prior to its release as a 1270
public record. However, for each redacted question, the 1271
department shall inform each city, local, and exempted village 1272
school district of the statewide academic standard adopted by 1273
the state board under section 3301.079 of the Revised Code and 1274
the corresponding benchmark to which the question relates. The 1275
preceding sentence does not apply to field test questions that 1276
are redacted under division (O)(3) of this section. 1277

(c) The administrations of each assessment in the 2011- 1278
2012, 2012-2013, and 2013-2014 school years shall not be a 1279
public record. 1280

(5) Each assessment prescribed by division (B)(1) of 1281
section 3301.0710 of the Revised Code shall not be a public 1282
record. 1283

(6) Beginning with the spring administration for the 2014- 1284
2015 school year, questions on the assessments prescribed under 1285
division (A) of section 3301.0710 and division (B)(2) of section 1286
3301.0712 of the Revised Code and the corresponding preferred 1287
answers that are used to compute a student's score shall become 1288
a public record as follows: 1289

(a) Forty per cent of the questions and preferred answers 1290
on the assessments on the thirty-first day of July following the 1291
administration of the assessment; 1292

(b) Twenty per cent of the questions and preferred answers 1293
on the assessment on the thirty-first day of July one year after 1294
the administration of the assessment; 1295

(c) The remaining forty per cent of the questions and 1296
preferred answers on the assessment on the thirty-first day of 1297
July two years after the administration of the assessment. 1298

The entire content of an assessment shall become a public 1299
record within three years of its administration. 1300

The department shall make the questions that become a 1301
public record under this division readily accessible to the 1302
public on the department's web site. Questions on the spring 1303
administration of each assessment shall be released on an annual 1304
basis, in accordance with this division. 1305

(P) As used in this section: 1306

(1) "Three-year average" means the average of the most 1307
recent consecutive three school years of data. 1308

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with

students who enter the ninth grade for the first time on or 1339
after July 1, 2014, the system shall replace the Ohio graduation 1340
tests prescribed in division (B) (1) of section 3301.0710 of the 1341
Revised Code as a measure of student academic performance ~~and~~ 1342
~~one determinant of eligibility for a high school diploma in the~~ 1343
~~manner prescribed by rule of the state board adopted under~~ 1344
~~division (D) of this section.~~ 1345

(B) The college and work ready assessment system shall 1346
consist of the following: 1347

(1) Nationally standardized assessments that measure 1348
college and career readiness and are used for college admission. 1349
The assessments shall be selected jointly by the state 1350
superintendent and the chancellor, and one of which shall be 1351
selected by each school district or school to administer to its 1352
students. The assessments prescribed under division (B) (1) of 1353
this section shall be administered to all eleventh-grade 1354
students in the spring of the school year. 1355

(2) ~~Seven end-of-course examinations, one~~ An examination 1356
~~in each of the areas of English language arts I, English~~ 1357
~~language arts II, mathematics, and science, Algebra I, geometry,~~ 1358
~~American history, and American government. The end-of-course~~ 1359
~~examinations~~ assessments shall be selected jointly by the state 1360
~~superintendent and the chancellor in consultation with faculty~~ 1361
~~in the appropriate subject areas at institutions of higher~~ 1362
~~education of the university system of Ohio~~ the assessments that 1363
were administered prior to 2010 in Iowa. Advanced placement 1364
~~examinations and international baccalaureate examinations, as~~ 1365
~~prescribed under section 3313.6013 of the Revised Code, in the~~ 1366
~~areas of science, American history, and American government may~~ 1367
~~be used as end-of-course examinations in accordance with~~ 1368

~~division (B) (4) (a) (i) of this section. Final course grades for 1369
courses taken under any other advanced standing program, as 1370
prescribed under section 3313.6013 of the Revised Code, in the 1371
areas of science, American history, and American government may 1372
be used in lieu of end of course examinations in accordance with 1373
division (B) (4) (a) (ii) of this section. 1374~~

~~(3) (a) Not later than July 1, 2013, each school district 1375
board of education shall adopt interim end of course 1376
examinations that comply with the requirements of divisions (B) 1377
(3) (b) (i) and (ii) of this section to assess mastery of American 1378
history and American government standards adopted under division 1379
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 1380
required under division (M) of section 3313.603 of the Revised 1381
Code. Each high school of the district shall use the interim 1382
examinations until the state superintendent and chancellor 1383
select end of course examinations in American history and 1384
American government under division (B) (2) of this section. 1385~~

~~(b) Not later than July 1, 2014, the state superintendent 1386
and the chancellor shall select the end of course examinations 1387
in American history and American government. 1388~~

~~(i) The end of course examinations in American history and 1389
American government shall require demonstration of mastery of 1390
the American history and American government content for social 1391
studies standards adopted under division (A) (1) (b) of section 1392
3301.079 of the Revised Code and the topics required under 1393
division (M) of section 3313.603 of the Revised Code. 1394~~

~~(ii) At least twenty per cent of the end of course 1395
examination in American government shall address the topics on 1396
American history and American government described in division 1397
(M) of section 3313.603 of the Revised Code. 1398~~

~~(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:~~

~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end of course examinations prescribed under division (B) (2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~

~~(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end of course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end of course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.~~

~~Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.~~

~~(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end of course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.~~ 1429
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~~(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end of course examinations prescribed under division (B)(2) of this section.~~ 1434
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~~(5) The state board shall do all of the following:~~ 1438

~~(a) Determine and designate at least five ranges of scores on each of the end of course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:~~ 1439
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~~(i) An advanced level of skill;~~ 1446

~~(ii) An accelerated level of skill;~~ 1447

~~(iii) A proficient level of skill;~~ 1448

~~(iv) A basic level of skill;~~ 1449

~~(v) A limited level of skill.~~ 1450

~~(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end of course examinations or substitute examinations;~~ 1451
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~~(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to~~ 1454
1455

~~earn a high school diploma;—~~ 1456

~~(d) Develop a table of corresponding score equivalents for the end of course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.—~~ 1457
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~~A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.—~~ 1461
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~~(6) (a) A student who meets both of the following conditions shall not be required to take an end of course examination:—~~ 1466
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~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end of course examination is prescribed.—~~ 1469
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~~(ii) The examination was not available for administration prior to July 1, 2015.—~~ 1472
1473

~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end of course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end of course examination at a later date.—~~ 1474
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~~(b) For purposes of determining whether a student who is exempt from taking an end of course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:—~~ 1479
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~~(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;~~ 1484
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~~(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.~~ 1487
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~~The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~ 1490
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~~(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.~~ 1495
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~~(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:~~ 1501
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~~(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.~~ 1505
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~~(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that~~ 1509
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1512

~~student's final course grade shall be used in lieu of the examination.—~~ 1513
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~~(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:—~~ 1515
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~~(i) Administer an integrated mathematics I end of course examination in lieu of the prescribed algebra I end of course examination;—~~ 1518
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1520

~~(ii) Administer an integrated mathematics II end of course examination in lieu of the prescribed geometry end of course examination.—~~ 1521
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~~(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.—~~ 1524
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~~(b) Until July 1, 2019, the department of education shall make available the end of course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.—~~ 1530
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~~(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end of course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618—~~ 1535
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~~of the Revised Code.~~ 1542

~~(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.~~ 1543
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(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section. 1546
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(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 1552
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 1555
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~~(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;~~ 1558
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~~(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;~~ 1562
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~~(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements~~ 1567
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~~of the entire assessment system as a prerequisite for a high- 1571
school diploma under division (B) of section 3313.614 of the 1572
Revised Code; 1573~~

~~(5) The extent to which the assessment system applies to 1574
students enrolled in a dropout recovery and prevention program 1575
for purposes of division (F) of section 3313.603 and section 1576
3314.36 of the Revised Code. 1577~~

(E) Not later than forty-five days prior to the state 1578
board's adoption of a resolution directing the department to 1579
file the rules prescribed by division (D) of this section in 1580
final form under section 119.04 of the Revised Code, the 1581
superintendent of public instruction shall present the 1582
assessment system developed under this section to the respective 1583
committees of the house of representatives and senate that 1584
consider education legislation. 1585

(F) (1) Any person enrolled in a nonchartered nonpublic 1586
school or any person who has been excused from attendance at 1587
school for the purpose of home instruction under section 3321.04 1588
of the Revised Code may choose to participate in the system of 1589
assessments administered under divisions (B) (1) and (2) of this 1590
section. However, no such person shall be required to 1591
participate in the system of assessments. 1592

(2) The department shall adopt rules for the 1593
administration and scoring of any assessments under division (F) 1594
(1) of this section. 1595

(G) Not later than December 31, 2014, the state board 1596
shall select at least one nationally recognized job skills 1597
assessment. Each school district shall administer that 1598
assessment to those students who opt to take it. The state shall 1599

reimburse a school district for the costs of administering that 1600
assessment. The state board shall establish the minimum score a 1601
student must attain on the job skills assessment in order to 1602
demonstrate a student's workforce readiness and employability. 1603
The administration of the job skills assessment to a student 1604
under this division shall not exempt a school district from 1605
administering the assessments prescribed in division (B) of this 1606
section to that student. 1607

Sec. 3301.0714. (A) The state board of education shall 1608
adopt rules for a statewide education management information 1609
system. The rules shall require the state board to establish 1610
guidelines for the establishment and maintenance of the system 1611
in accordance with this section and the rules adopted under this 1612
section. The guidelines shall include: 1613

(1) Standards identifying and defining the types of data 1614
in the system in accordance with divisions (B) and (C) of this 1615
section; 1616

(2) Procedures for annually collecting and reporting the 1617
data to the state board in accordance with division (D) of this 1618
section; 1619

(3) Procedures for annually compiling the data in 1620
accordance with division (G) of this section; 1621

(4) Procedures for annually reporting the data to the 1622
public in accordance with division (H) of this section; 1623

(5) Standards to provide strict safeguards to protect the 1624
confidentiality of personally identifiable student data. 1625

(B) The guidelines adopted under this section shall 1626
require the data maintained in the education management 1627
information system to include at least the following: 1628

(1) Student participation and performance data, for each 1629
grade in each school district as a whole and for each grade in 1630
each school building in each school district, that includes: 1631

(a) The numbers of students receiving each category of 1632
instructional service offered by the school district, such as 1633
regular education instruction, vocational education instruction, 1634
specialized instruction programs or enrichment instruction that 1635
is part of the educational curriculum, instruction for gifted 1636
students, instruction for students with disabilities, and 1637
remedial instruction. The guidelines shall require instructional 1638
services under this division to be divided into discrete 1639
categories if an instructional service is limited to a specific 1640
subject, a specific type of student, or both, such as regular 1641
instructional services in mathematics, remedial reading 1642
instructional services, instructional services specifically for 1643
students gifted in mathematics or some other subject area, or 1644
instructional services for students with a specific type of 1645
disability. The categories of instructional services required by 1646
the guidelines under this division shall be the same as the 1647
categories of instructional services used in determining cost 1648
units pursuant to division (C) (3) of this section. 1649

(b) The numbers of students receiving support or 1650
extracurricular services for each of the support services or 1651
extracurricular programs offered by the school district, such as 1652
counseling services, health services, and extracurricular sports 1653
and fine arts programs. The categories of services required by 1654
the guidelines under this division shall be the same as the 1655
categories of services used in determining cost units pursuant 1656
to division (C) (4) (a) of this section. 1657

(c) Average student grades in each subject in grades nine 1658

through twelve;	1659
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	1660 1661
(e) The number of students designated as having a disabling condition pursuant to division (C) (1) of section 3301.0711 of the Revised Code;	1662 1663 1664
(f) The numbers of students reported to the state board pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	1665 1666 1667
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1668 1669 1670 1671
(h) Expulsion rates;	1672
(i) Suspension rates;	1673
(j) Dropout rates;	1674
(k) Rates of retention in grade;	1675
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1676 1677 1678
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1679 1680 1681 1682 1683
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	1684 1685

~~Revised Code to permit a comparison of the academic readiness of
kindergarten students. However, no district shall be required to
report to the department the results of any diagnostic
assessment administered to a kindergarten student, except for
the language and reading assessment described in division (A)(2)
of section 3301.0715 of the Revised Code, if the parent of that
student requests the district not to report those results.~~

(2) Personnel and classroom enrollment data for each
school district, including:

(a) The total numbers of licensed employees and
nonlicensed employees and the numbers of full-time equivalent
licensed employees and nonlicensed employees providing each
category of instructional service, instructional support
service, and administrative support service used pursuant to
division (C)(3) of this section. The guidelines adopted under
this section shall require these categories of data to be
maintained for the school district as a whole and, wherever
applicable, for each grade in the school district as a whole,
for each school building as a whole, and for each grade in each
school building.

(b) The total number of employees and the number of full-
time equivalent employees providing each category of service
used pursuant to divisions (C)(4)(a) and (b) of this section,
and the total numbers of licensed employees and nonlicensed
employees and the numbers of full-time equivalent licensed
employees and nonlicensed employees providing each category used
pursuant to division (C)(4)(c) of this section. The guidelines
adopted under this section shall require these categories of
data to be maintained for the school district as a whole and,
wherever applicable, for each grade in the school district as a

whole, for each school building as a whole, and for each grade 1716
in each school building. 1717

(c) The total number of regular classroom teachers 1718
teaching classes of regular education and the average number of 1719
pupils enrolled in each such class, in each of grades 1720
kindergarten through five in the district as a whole and in each 1721
school building in the school district. 1722

(d) The number of lead teachers employed by each school 1723
district and each school building. 1724

(3) (a) Student demographic data for each school district, 1725
including information regarding the gender ratio of the school 1726
district's pupils, the racial make-up of the school district's 1727
pupils, the number of limited English proficient students in the 1728
district, and an appropriate measure of the number of the school 1729
district's pupils who reside in economically disadvantaged 1730
households. The demographic data shall be collected in a manner 1731
to allow correlation with data collected under division (B) (1) 1732
of this section. Categories for data collected pursuant to 1733
division (B) (3) of this section shall conform, where 1734
appropriate, to standard practices of agencies of the federal 1735
government. 1736

(b) With respect to each student entering kindergarten, 1737
whether the student previously participated in a public 1738
preschool program, a private preschool program, or a head start 1739
program, and the number of years the student participated in 1740
each of these programs. 1741

(4) Any data required to be collected pursuant to federal 1742
law. 1743

(C) The education management information system shall 1744

include cost accounting data for each district as a whole and 1745
for each school building in each school district. The guidelines 1746
adopted under this section shall require the cost data for each 1747
school district to be maintained in a system of mutually 1748
exclusive cost units and shall require all of the costs of each 1749
school district to be divided among the cost units. The 1750
guidelines shall require the system of mutually exclusive cost 1751
units to include at least the following: 1752

(1) Administrative costs for the school district as a 1753
whole. The guidelines shall require the cost units under this 1754
division (C) (1) to be designed so that each of them may be 1755
compiled and reported in terms of average expenditure per pupil 1756
in formula ADM in the school district, as determined pursuant to 1757
section 3317.03 of the Revised Code. 1758

(2) Administrative costs for each school building in the 1759
school district. The guidelines shall require the cost units 1760
under this division (C) (2) to be designed so that each of them 1761
may be compiled and reported in terms of average expenditure per 1762
full-time equivalent pupil receiving instructional or support 1763
services in each building. 1764

(3) Instructional services costs for each category of 1765
instructional service provided directly to students and required 1766
by guidelines adopted pursuant to division (B) (1) (a) of this 1767
section. The guidelines shall require the cost units under 1768
division (C) (3) of this section to be designed so that each of 1769
them may be compiled and reported in terms of average 1770
expenditure per pupil receiving the service in the school 1771
district as a whole and average expenditure per pupil receiving 1772
the service in each building in the school district and in terms 1773
of a total cost for each category of service and, as a breakdown 1774

of the total cost, a cost for each of the following components:	1775
(a) The cost of each instructional services category	1776
required by guidelines adopted under division (B) (1) (a) of this	1777
section that is provided directly to students by a classroom	1778
teacher;	1779
(b) The cost of the instructional support services, such	1780
as services provided by a speech-language pathologist, classroom	1781
aide, multimedia aide, or librarian, provided directly to	1782
students in conjunction with each instructional services	1783
category;	1784
(c) The cost of the administrative support services	1785
related to each instructional services category, such as the	1786
cost of personnel that develop the curriculum for the	1787
instructional services category and the cost of personnel	1788
supervising or coordinating the delivery of the instructional	1789
services category.	1790
(4) Support or extracurricular services costs for each	1791
category of service directly provided to students and required	1792
by guidelines adopted pursuant to division (B) (1) (b) of this	1793
section. The guidelines shall require the cost units under	1794
division (C) (4) of this section to be designed so that each of	1795
them may be compiled and reported in terms of average	1796
expenditure per pupil receiving the service in the school	1797
district as a whole and average expenditure per pupil receiving	1798
the service in each building in the school district and in terms	1799
of a total cost for each category of service and, as a breakdown	1800
of the total cost, a cost for each of the following components:	1801
(a) The cost of each support or extracurricular services	1802
category required by guidelines adopted under division (B) (1) (b)	1803

of this section that is provided directly to students by a 1804
licensed employee, such as services provided by a guidance 1805
counselor or any services provided by a licensed employee under 1806
a supplemental contract; 1807

(b) The cost of each such services category provided 1808
directly to students by a nonlicensed employee, such as 1809
janitorial services, cafeteria services, or services of a sports 1810
trainer; 1811

(c) The cost of the administrative services related to 1812
each services category in division (C) (4) (a) or (b) of this 1813
section, such as the cost of any licensed or nonlicensed 1814
employees that develop, supervise, coordinate, or otherwise are 1815
involved in administering or aiding the delivery of each 1816
services category. 1817

(D) (1) The guidelines adopted under this section shall 1818
require school districts to collect information about individual 1819
students, staff members, or both in connection with any data 1820
required by division (B) or (C) of this section or other 1821
reporting requirements established in the Revised Code. The 1822
guidelines may also require school districts to report 1823
information about individual staff members in connection with 1824
any data required by division (B) or (C) of this section or 1825
other reporting requirements established in the Revised Code. 1826
The guidelines shall not authorize school districts to request 1827
social security numbers of individual students. The guidelines 1828
shall prohibit the reporting under this section of a student's 1829
name, address, and social security number to the state board of 1830
education or the department of education. The guidelines shall 1831
also prohibit the reporting under this section of any personally 1832
identifiable information about any student, except for the 1833

purpose of assigning the data verification code required by 1834
division (D) (2) of this section, to any other person unless such 1835
person is employed by the school district or the information 1836
technology center operated under section 3301.075 of the Revised 1837
Code and is authorized by the district or technology center to 1838
have access to such information or is employed by an entity with 1839
which the department contracts for the scoring or the 1840
development of state assessments. Access to the information 1841
shall be restricted to the fulfillment of contractual 1842
obligations to process data on behalf of the school district. 1843
Such contract shall include a stipulation that the personally 1844
identifiable information shall not be shared with additional 1845
parties. The guidelines may require school districts to provide 1846
the social security numbers of individual staff members and the 1847
county of residence for a student. Nothing in this section 1848
prohibits the state board of education or department of 1849
education from providing a student's county of residence to the 1850
department of taxation to facilitate the distribution of tax 1851
revenue. 1852

(2) (a) The guidelines shall provide for each school 1853
district or community school to assign a data verification code 1854
that is unique on a statewide basis over time to each student 1855
whose initial Ohio enrollment is in that district or school and 1856
to report all required individual student data for that student 1857
utilizing such code. The guidelines shall also provide for 1858
assigning data verification codes to all students enrolled in 1859
districts or community schools on the effective date of the 1860
guidelines established under this section. The assignment of 1861
data verification codes for other entities, as described in 1862
division (D) (2) (c) of this section, the use of those codes, and 1863
the reporting and use of associated individual student data 1864

shall be coordinated by the department in accordance with state 1865
and federal law. 1866

School districts shall report individual student data to 1867
the department through the information technology centers 1868
utilizing the code. The entities described in division (D) (2) (c) 1869
of this section shall report individual student data to the 1870
department in the manner prescribed by the department. 1871

Except as provided in sections 3301.941, 3310.11, 3310.42, 1872
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 1873
shall the state board or the department have access to 1874
information that would enable any data verification code to be 1875
matched to personally identifiable student data. 1876

(b) Each school district and community school shall ensure 1877
that the data verification code is included in the student's 1878
records reported to any subsequent school district, community 1879
school, or state institution of higher education, as defined in 1880
section 3345.011 of the Revised Code, in which the student 1881
enrolls. Any such subsequent district or school shall utilize 1882
the same identifier in its reporting of data under this section. 1883

(c) The director of any state agency that administers a 1884
publicly funded program providing services to children who are 1885
younger than compulsory school age, as defined in section 1886
3321.01 of the Revised Code, including the directors of health, 1887
job and family services, mental health and addiction services, 1888
and developmental disabilities, shall request and receive, 1889
pursuant to sections 3301.0723 and 5123.0423 of the Revised 1890
Code, a data verification code for a child who is receiving 1891
those services. 1892

(E) The guidelines adopted under this section may require 1893

school districts to collect and report data, information, or 1894
reports other than that described in divisions (A), (B), and (C) 1895
of this section for the purpose of complying with other 1896
reporting requirements established in the Revised Code. The 1897
other data, information, or reports may be maintained in the 1898
education management information system but are not required to 1899
be compiled as part of the profile formats required under 1900
division (G) of this section or the annual statewide report 1901
required under division (H) of this section. 1902

(F) Beginning with the school year that begins July 1, 1903
1991, the board of education of each school district shall 1904
annually collect and report to the state board, in accordance 1905
with the guidelines established by the board, the data required 1906
pursuant to this section. A school district may collect and 1907
report these data notwithstanding section 2151.357 or 3319.321 1908
of the Revised Code. 1909

(G) The state board shall, in accordance with the 1910
procedures it adopts, annually compile the data reported by each 1911
school district pursuant to division (D) of this section. The 1912
state board shall design formats for profiling each school 1913
district as a whole and each school building within each 1914
district and shall compile the data in accordance with these 1915
formats. These profile formats shall: 1916

(1) Include all of the data gathered under this section in 1917
a manner that facilitates comparison among school districts and 1918
among school buildings within each school district; 1919

(2) Present the data on academic achievement levels as 1920
assessed by the testing of student achievement maintained 1921
pursuant to division (B)(1)(d) of this section. 1922

(H) (1) The state board shall, in accordance with the 1923
procedures it adopts, annually prepare a statewide report for 1924
all school districts and the general public that includes the 1925
profile of each of the school districts developed pursuant to 1926
division (G) of this section. Copies of the report shall be sent 1927
to each school district. 1928

(2) The state board shall, in accordance with the 1929
procedures it adopts, annually prepare an individual report for 1930
each school district and the general public that includes the 1931
profiles of each of the school buildings in that school district 1932
developed pursuant to division (G) of this section. Copies of 1933
the report shall be sent to the superintendent of the district 1934
and to each member of the district board of education. 1935

(3) Copies of the reports received from the state board 1936
under divisions (H) (1) and (2) of this section shall be made 1937
available to the general public at each school district's 1938
offices. Each district board of education shall make copies of 1939
each report available to any person upon request and payment of 1940
a reasonable fee for the cost of reproducing the report. The 1941
board shall annually publish in a newspaper of general 1942
circulation in the school district, at least twice during the 1943
two weeks prior to the week in which the reports will first be 1944
available, a notice containing the address where the reports are 1945
available and the date on which the reports will be available. 1946

(I) Any data that is collected or maintained pursuant to 1947
this section and that identifies an individual pupil is not a 1948
public record for the purposes of section 149.43 of the Revised 1949
Code. 1950

(J) As used in this section: 1951

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L) (1) In accordance with division (L) (2) of this section and the rules adopted under division (L) (10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has

determined that data has not been reported as required under 1981
this section and require the district to review its data 1982
submission and submit corrected data by a deadline established 1983
by the department. The department also may require the district 1984
to develop a corrective action plan, which shall include 1985
provisions for the district to provide mandatory staff training 1986
on data reporting procedures. 1987

(b) Withhold up to ten per cent of the total amount of 1988
state funds due to the district for the current fiscal year and, 1989
if not previously required under division (L) (2) (a) of this 1990
section, require the district to develop a corrective action 1991
plan in accordance with that division; 1992

(c) Withhold an additional amount of up to twenty per cent 1993
of the total amount of state funds due to the district for the 1994
current fiscal year; 1995

(d) Direct department staff or an outside entity to 1996
investigate the district's data reporting practices and make 1997
recommendations for subsequent actions. The recommendations may 1998
include one or more of the following actions: 1999

(i) Arrange for an audit of the district's data reporting 2000
practices by department staff or an outside entity; 2001

(ii) Conduct a site visit and evaluation of the district; 2002

(iii) Withhold an additional amount of up to thirty per 2003
cent of the total amount of state funds due to the district for 2004
the current fiscal year; 2005

(iv) Continue monitoring the district's data reporting; 2006

(v) Assign department staff to supervise the district's 2007
data management system; 2008

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the

department withheld funding under division (L) (2) (d) of this 2038
section, the department shall not release the funds withheld 2039
under division (L) (2) (b) or (c) of this section. 2040

(5) Notwithstanding anything in this section to the 2041
contrary, the department may use its own staff or an outside 2042
entity to conduct an audit of a school district's data reporting 2043
practices any time the department has reason to believe the 2044
district has not made a good faith effort to report data as 2045
required by this section. If any audit conducted by an outside 2046
entity under division (L) (2) (d) (i) or (5) of this section 2047
confirms that a district has not made a good faith effort to 2048
report data as required by this section, the district shall 2049
reimburse the department for the full cost of the audit. The 2050
department may withhold state funds due to the district for this 2051
purpose. 2052

(6) Prior to issuing a revised report card for a school 2053
district under division (L) (2) (d) (viii) of this section, the 2054
department may hold a hearing to provide the district with an 2055
opportunity to demonstrate that it made a good faith effort to 2056
report data as required by this section. The hearing shall be 2057
conducted by a referee appointed by the department. Based on the 2058
information provided in the hearing, the referee shall recommend 2059
whether the department should issue a revised report card for 2060
the district. If the referee affirms the department's contention 2061
that the district did not make a good faith effort to report 2062
data as required by this section, the district shall bear the 2063
full cost of conducting the hearing and of issuing any revised 2064
report card. 2065

(7) If the department determines that any inaccurate data 2066
reported under this section caused a school district to receive 2067

excess state funds in any fiscal year, the district shall 2068
reimburse the department an amount equal to the excess funds, in 2069
accordance with a payment schedule determined by the department. 2070
The department may withhold state funds due to the district for 2071
this purpose. 2072

(8) Any school district that has funds withheld under 2073
division (L)(2) of this section may appeal the withholding in 2074
accordance with Chapter 119. of the Revised Code. 2075

(9) In all cases of a disagreement between the department 2076
and a school district regarding the appropriateness of an action 2077
taken under division (L)(2) of this section, the burden of proof 2078
shall be on the district to demonstrate that it made a good 2079
faith effort to report data as required by this section. 2080

(10) The state board of education shall adopt rules under 2081
Chapter 119. of the Revised Code to implement division (L) of 2082
this section. 2083

(M) No information technology center or school district 2084
shall acquire, change, or update its student administration 2085
software package to manage and report data required to be 2086
reported to the department unless it converts to a student 2087
software package that is certified by the department. 2088

(N) The state board of education, in accordance with 2089
sections 3319.31 and 3319.311 of the Revised Code, may suspend 2090
or revoke a license as defined under division (A) of section 2091
3319.31 of the Revised Code that has been issued to any school 2092
district employee found to have willfully reported erroneous, 2093
inaccurate, or incomplete data to the education management 2094
information system. 2095

(O) No person shall release or maintain any information 2096

about any student in violation of this section. Whoever violates 2097
this division is guilty of a misdemeanor of the fourth degree. 2098

(P) The department shall disaggregate the data collected 2099
under division (B)(1)(n) of this section according to the race 2100
and socioeconomic status of the students assessed. 2101

(Q) If the department cannot compile any of the 2102
information required by division (H) of section 3302.03 of the 2103
Revised Code based upon the data collected under this section, 2104
the department shall develop a plan and a reasonable timeline 2105
for the collection of any data necessary to comply with that 2106
division. 2107

Sec. 3301.0715. (A) Except as required under division (B) 2108
(1) of section 3313.608 or as specified in division (D)(3) of 2109
section 3301.079 of the Revised Code, the board of education of 2110
each city, local, and exempted village school district ~~shall~~may 2111
administer each applicable diagnostic assessment developed and 2112
provided to the district in accordance with section 3301.079 of 2113
the Revised Code to the following: 2114

(1) Any student who transfers into the district or to a 2115
different school within the district if each applicable 2116
diagnostic assessment was not administered by the district or 2117
school the student previously attended in the current school 2118
year, within thirty days after the date of transfer. If the 2119
district or school into which the student transfers cannot 2120
determine whether the student has taken any applicable 2121
diagnostic assessment in the current school year, the district 2122
or school may administer the diagnostic assessment to the 2123
student. However, if a student transfers into the district prior 2124
to the administration of the diagnostic assessments to all 2125
students under division (B) of this section, the district may 2126

administer the diagnostic assessments to that student on the 2127
date or dates determined under that division. 2128

(2) Each kindergarten student, not earlier than the first 2129
day of the school year and not later than the first day of 2130
November. 2131

For the purpose of division (A) (2) of this section, the 2132
district shall administer the kindergarten readiness assessment 2133
provided by the department of education. In no case shall the 2134
results of the readiness assessment be used to prohibit a 2135
student from enrolling in kindergarten. 2136

(3) Each student enrolled in first, second, or third 2137
grade. 2138

Division (A) of this section does not apply to students 2139
with significant cognitive disabilities, as defined by the 2140
department of education. 2141

(B) Each district board ~~shall~~ may administer each 2142
diagnostic assessment when the board deems appropriate, provided 2143
the administration complies with section 3313.608 of the Revised 2144
Code. ~~However, the board shall administer any diagnostic~~ 2145
~~assessment at least once annually to all students in the~~ 2146
~~appropriate grade level.~~ A district board may administer any 2147
diagnostic assessment in the fall and spring of a school year to 2148
measure the amount of academic growth attributable to the 2149
instruction received by students during that school year. 2150

(C) Any district that received a grade of "A" or "B" for 2151
the performance index score under division (A) (1) (b), (B) (1) (b), 2152
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 2153
value-added progress dimension under division (A) (1) (e), (B) (1) 2154
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 2155

immediately preceding school year may use different diagnostic 2156
assessments from those adopted under division (D) of section 2157
3301.079 of the Revised Code in order to satisfy the 2158
requirements of division (A)(3) of this section. 2159

(D) Each district board shall utilize and score any 2160
diagnostic assessment administered under division (A) of this 2161
section in accordance with rules established by the department. 2162
After the administration of any diagnostic assessment, each 2163
district shall provide a student's completed diagnostic 2164
assessment, the results of such assessment, and any other 2165
accompanying documents used during the administration of the 2166
assessment to the parent of that student, and shall include all 2167
such documents and information in any plan developed for the 2168
student under division (C) of section 3313.608 of the Revised 2169
Code. Each district shall submit to the department, in the 2170
manner the department prescribes, the results of the diagnostic 2171
assessments administered under this section, regardless of the 2172
type of assessment used under section 3313.608 of the Revised 2173
Code. The department may issue reports with respect to the data 2174
collected. ~~The department may report school and district level-~~ 2175
~~kindergarten diagnostic assessment data and use diagnostic-~~ 2176
~~assessment data to calculate the measure prescribed by divisions-~~ 2177
~~(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code.~~ 2178

(E) Each district board shall provide intervention 2179
services to students whose diagnostic assessments show that they 2180
are failing to make satisfactory progress toward attaining the 2181
academic standards for their grade level. 2182

(F) Beginning in the 2018-2019 school year, any chartered 2183
nonpublic school may elect to administer the kindergarten 2184
readiness assessment to all kindergarten students enrolled in 2185

the school. If the school so elects, the chief administrator of 2186
the school shall notify the superintendent of public instruction 2187
not later than the thirty-first day of March prior to any school 2188
year in which the school will administer the assessment. The 2189
department shall furnish the assessment to the school at no cost 2190
to the school. In administering the assessment, the school shall 2191
do all of the following: 2192

(1) Enter into a written agreement with the department 2193
specifying that the school will share each participating 2194
student's assessment data with the department and, that for the 2195
purpose of reporting the data to the department, each 2196
participating student will be assigned a data verification code 2197
as described in division (D) (2) of section 3301.0714 of the 2198
Revised Code; 2199

(2) Require the assessment to be administered by a teacher 2200
certified under section 3301.071 of the Revised Code who either 2201
has completed training on administering the kindergarten 2202
readiness assessment provided by the department or has been 2203
trained by another person who has completed such training; 2204

(3) Administer the assessment in the same manner as school 2205
districts ~~are required to do~~ under this section and in 2206
accordance with the rules established under division (D) of this 2207
section. 2208

Sec. 3301.0718. (A) The state board of education shall not 2209
adopt or revise any academic content standards in the areas of 2210
English language arts, mathematics, science, or social studies 2211
until both of the following conditions are satisfied: 2212

(1) The proposed standards or revisions are approved by 2213
both houses of the general assembly by concurrent resolution. 2214

The standing committee having jurisdiction over education 2215
legislation in each house shall conduct at least three public 2216
hearings on the proposed standards or revisions. 2217

(2) The proposed standards or revisions for each subject 2218
area are approved by the appropriate subcommittee established 2219
under division (D)(4) of this section. 2220

(B) The state board of ~~education~~ shall not adopt or revise 2221
any standards or curriculum in the area of health unless, by 2222
concurrent resolution, the standards, curriculum, or revisions 2223
are approved by both houses of the general assembly. Before the 2224
house of representatives or senate votes on a concurrent 2225
resolution approving health standards, curriculum, or revisions, 2226
its standing committee having jurisdiction over education 2227
legislation shall conduct at least one public hearing on the 2228
standards, curriculum, or revisions. 2229

(C) The academic content standards steering committee is 2230
hereby established. 2231

Prior to submitting academic content standards to the 2232
general assembly for approval as required under division (A) of 2233
this section, the state board shall propose any new or revised 2234
standards to the academic content standards steering committee. 2235
Meetings of the committee and its subcommittee shall be open to 2236
the public. 2237

The committee shall be composed of thirteen members as 2238
follows: 2239

(1) The governor, or the governor's designee; 2240

(2) Six members appointed by the president of the senate, 2241
of whom not more than one may be a member of the senate; 2242

(3) Six members appointed by the speaker of the house of 2243
representatives, of whom not more than one may be a member of 2244
the house of representatives. 2245

In appointing members under divisions (C) (2) and (3) of 2246
this section, consideration shall be given to the appointment of 2247
parents of students enrolled in Ohio schools; primary and 2248
secondary education teachers; and curriculum experts, provosts, 2249
chairs, and deans of state institutions of higher education. 2250

(D) The committee established under division (C) of this 2251
section shall do the following: 2252

(1) Determine a chair and co-chair of the committee; 2253

(2) Appoint four individuals to oversee the development of 2254
the standards documents, each of whom shall understand and be 2255
able to use subject-specific symbols. The department of 2256
education and the state board may provide assistance to these 2257
individuals. 2258

(3) Contract, if necessary, with an individual who has a 2259
national reputation in the areas of academic content standards 2260
and assessments to facilitate the work of the committee; 2261

(4) Establish a subcommittee in each of the areas of 2262
mathematics, English language arts, science, and social studies, 2263
and select, by a majority vote of all committee members, a 2264
chairperson for each subcommittee. 2265

(a) The chair of each subcommittee shall be an instructor 2266
or professor in a related subject area at a state institution of 2267
higher education. Other members of the subcommittee shall be 2268
teachers with at least ten years of teaching experience, and may 2269
be nominated by the superintendent of their employing school 2270
district. The state board shall select the individuals to serve 2271

as members on each subcommittee. Not more than five members 2272
shall serve on a subcommittee. A school librarian, nominated by 2273
the Ohio library council, may provide assistance to the English 2274
language arts subcommittee. An engineer, nominated by one of the 2275
state's engineering organizations, may provide assistance to the 2276
mathematics subcommittee and the science subcommittee. 2277

(b) Each subcommittee shall approve or disapprove the 2278
academic content standards for its respective subject area. Each 2279
subcommittee shall obtain from teachers comments on the 2280
appropriateness and wording of the proposed academic content 2281
standards for each grade and, if necessary, offer revisions on 2282
the proposed standards. The comments shall be recorded by an 2283
individual appointed under division (D)(2) of this section. 2284

Sec. 3301.0722. As used in this section ~~and section~~ 2285
~~3301.0721 of the Revised Code,~~ "form" means any report, 2286
document, paper, computer software program, or other instrument 2287
used in the management information system created by section 2288
3301.0714 of the Revised Code or used to gather required or 2289
requested education data under division (I) of section 3301.07 2290
of the Revised Code or any other provision of state or federal 2291
statute or rule. 2292

Beginning July 1, 1992, the state board of education, the 2293
superintendent of public instruction, or the department of 2294
education shall not put into use any new form or any modified 2295
version of any previously existing form, unless the new or 2296
modified form has been submitted to the unit established 2297
pursuant to section 3301.133 of the Revised Code, the unit has 2298
reviewed the form, and the superintendent has considered the 2299
findings of the review and the unit's recommendations. 2300

Sec. 3302.03. Annually, not later than the fifteenth day 2301

of September or the preceding Friday when that day falls on a 2302
Saturday or Sunday, the department of education shall assign a 2303
letter grade for overall academic performance and for each 2304
separate performance measure for each school district, and each 2305
school building in a district, in accordance with this section. 2306
The state board shall adopt rules pursuant to Chapter 119. of 2307
the Revised Code to establish performance criteria for each 2308
letter grade and prescribe a method by which the department 2309
assigns each letter grade. For a school building to which any of 2310
the performance measures do not apply, due to grade levels 2311
served by the building, the state board shall designate the 2312
performance measures that are applicable to the building and 2313
that must be calculated separately and used to calculate the 2314
building's overall grade. The department shall issue annual 2315
report cards reflecting the performance of each school district, 2316
each building within each district, and for the state as a whole 2317
using the performance measures and letter grade system described 2318
in this section. The department shall include on the report card 2319
for each district and each building within each district the 2320
most recent two-year trend data in student achievement for each 2321
subject and each grade. 2322

(A) (1) For the 2012-2013 school year, the department shall 2323
issue grades as described in division (E) of this section for 2324
each of the following performance measures: 2325

(a) Annual measurable objectives; 2326

(b) Performance index score for a school district or 2327
building. Grades shall be awarded as a percentage of the total 2328
possible points on the performance index system as adopted by 2329
the state board. In adopting benchmarks for assigning letter 2330
grades under division (A) (1) (b) of this section, the state board 2331

of education shall designate ninety per cent or higher for an 2332
"A," at least seventy per cent but not more than eighty per cent 2333
for a "C," and less than fifty per cent for an "F." 2334

(c) The extent to which the school district or building 2335
meets each of the applicable performance indicators established 2336
by the state board under section 3302.02 of the Revised Code and 2337
the percentage of applicable performance indicators that have 2338
been achieved. In adopting benchmarks for assigning letter 2339
grades under division (A) (1) (c) of this section, the state board 2340
shall designate ninety per cent or higher for an "A." 2341

(d) The four- and five-year adjusted cohort graduation 2342
rates. 2343

In adopting benchmarks for assigning letter grades under 2344
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 2345
department shall designate a four-year adjusted cohort 2346
graduation rate of ninety-three per cent or higher for an "A" 2347
and a five-year cohort graduation rate of ninety-five per cent 2348
or higher for an "A." 2349

(e) The overall score under the value-added progress 2350
dimension of a school district or building, for which the 2351
department shall use up to three years of value-added data as 2352
available. The letter grade assigned for this growth measure 2353
shall be as follows: 2354

(i) A score that is at least two standard errors of 2355
measure above the mean score shall be designated as an "A." 2356

(ii) A score that is at least one standard error of 2357
measure but less than two standard errors of measure above the 2358
mean score shall be designated as a "B." 2359

(iii) A score that is less than one standard error of 2360

measure above the mean score but greater than or equal to one 2361
standard error of measure below the mean score shall be 2362
designated as a "C." 2363

(iv) A score that is not greater than one standard error 2364
of measure below the mean score but is greater than or equal to 2365
two standard errors of measure below the mean score shall be 2366
designated as a "D." 2367

(v) A score that is not greater than two standard errors 2368
of measure below the mean score shall be designated as an "F." 2369

Whenever the value-added progress dimension is used as a 2370
graded performance measure, whether as an overall measure or as 2371
a measure of separate subgroups, the grades for the measure 2372
shall be calculated in the same manner as prescribed in division 2373
(A) (1) (e) of this section. 2374

(f) The value-added progress dimension score for a school 2375
district or building disaggregated for each of the following 2376
subgroups: students identified as gifted, students with 2377
disabilities, and students whose performance places them in the 2378
lowest quintile for achievement on a statewide basis. Each 2379
subgroup shall be a separate graded measure. 2380

(2) Not later than April 30, 2013, the state board of 2381
education shall adopt a resolution describing the performance 2382
measures, benchmarks, and grading system for the 2012-2013 2383
school year and, not later than June 30, 2013, shall adopt rules 2384
in accordance with Chapter 119. of the Revised Code that 2385
prescribe the methods by which the performance measures under 2386
division (A) (1) of this section shall be assessed and assigned a 2387
letter grade, including performance benchmarks for each letter 2388
grade. 2389

At least forty-five days prior to the state board's 2390
adoption of rules to prescribe the methods by which the 2391
performance measures under division (A) (1) of this section shall 2392
be assessed and assigned a letter grade, the department shall 2393
conduct a public presentation before the standing committees of 2394
the house of representatives and the senate that consider 2395
education legislation describing such methods, including 2396
performance benchmarks. 2397

(3) There shall not be an overall letter grade for a 2398
school district or building for the 2012-2013 school year. 2399

(B) (1) For the 2013-2014 and 2014-2015 school years, the 2400
department shall issue grades as described in division (E) of 2401
this section for each of the following performance measures: 2402

(a) Annual measurable objectives; 2403

(b) Performance index score for a school district or 2404
building. Grades shall be awarded as a percentage of the total 2405
possible points on the performance index system as created by 2406
the department. In adopting benchmarks for assigning letter 2407
grades under division (B) (1) (b) of this section, the state board 2408
shall designate ninety per cent or higher for an "A," at least 2409
seventy per cent but not more than eighty per cent for a "C," 2410
and less than fifty per cent for an "F." 2411

(c) The extent to which the school district or building 2412
meets each of the applicable performance indicators established 2413
by the state board under section 3302.03 of the Revised Code and 2414
the percentage of applicable performance indicators that have 2415
been achieved. In adopting benchmarks for assigning letter 2416
grades under division (B) (1) (c) of this section, the state board 2417
shall designate ninety per cent or higher for an "A." 2418

(d) The four- and five-year adjusted cohort graduation rates;	2419 2420
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	2421 2422 2423 2424
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.	2425 2426 2427 2428 2429 2430 2431 2432
(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B) (1) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g) and (C) (1) (g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade	2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448

shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B) (1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-

secondary enrollment options program under Chapter 3365. of the 2478
Revised Code and state-approved career-technical courses offered 2479
through dual enrollment or statewide articulation, that appear 2480
on a student's transcript or other official document, either of 2481
which is issued by the institution of higher education from 2482
which the student earned the college credit. The credits earned 2483
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 2484
this section shall not include any that are remedial or 2485
developmental and shall include those that count toward the 2486
curriculum requirements established for completion of a degree. 2487

(c) The percentage of students enrolled in a district or 2488
building who have taken a national standardized test used for 2489
college admission determinations and the percentage of those 2490
students who are determined to be remediation-free in accordance 2491
with standards adopted under division (F) of section 3345.061 of 2492
the Revised Code; 2493

(d) The percentage of the district's or the building's 2494
students who receive industry-recognized credentials. The state 2495
board shall adopt criteria for acceptable industry-recognized 2496
credentials. 2497

(e) The percentage of students enrolled in a district or 2498
building who are participating in an international baccalaureate 2499
program and the percentage of those students who receive a score 2500
of four or better on the international baccalaureate 2501
examinations. 2502

(f) The percentage of the district's or building's 2503
students who receive an honors diploma under division (B) of 2504
section 3313.61 of the Revised Code. 2505

(3) Not later than December 31, 2013, the state board 2506

shall adopt rules in accordance with Chapter 119. of the Revised 2507
Code that prescribe the methods by which the performance 2508
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2509
will be assessed and assigned a letter grade, including 2510
performance benchmarks for each grade. 2511

At least forty-five days prior to the state board's 2512
adoption of rules to prescribe the methods by which the 2513
performance measures under division (B) (1) of this section shall 2514
be assessed and assigned a letter grade, the department shall 2515
conduct a public presentation before the standing committees of 2516
the house of representatives and the senate that consider 2517
education legislation describing such methods, including 2518
performance benchmarks. 2519

(4) There shall not be an overall letter grade for a 2520
school district or building for the 2013-2014, 2014-2015, 2015- 2521
2016, ~~and 2016-2017,~~ 2017-2018, 2018-2019, and 2019-2020 school 2522
years. 2523

(C) (1) For the 2014-2015 school year and each school year 2524
thereafter, the department shall issue grades as described in 2525
division (E) of this section for each of the performance 2526
measures prescribed in division (C) (1) of this section. The 2527
graded measures are as follows: 2528

(a) Annual measurable objectives; 2529

(b) Performance index score for a school district or 2530
building. Grades shall be awarded as a percentage of the total 2531
possible points on the performance index system as created by 2532
the department. In adopting benchmarks for assigning letter 2533
grades under division (C) (1) (b) of this section, the state board 2534
shall designate ninety per cent or higher for an "A," at least 2535

seventy per cent but not more than eighty per cent for a "C," 2536
and less than fifty per cent for an "F." 2537

(c) The extent to which the school district or building 2538
meets each of the applicable performance indicators established 2539
by the state board under section 3302.03 of the Revised Code and 2540
the percentage of applicable performance indicators that have 2541
been achieved. In adopting benchmarks for assigning letter 2542
grades under division (C) (1) (c) of this section, the state board 2543
shall designate ninety per cent or higher for an "A." 2544

(d) The four- and five-year adjusted cohort graduation 2545
rates; 2546

(e) The overall score under the value-added progress 2547
dimension, or another measure of student academic progress if 2548
adopted by the state board, of a school district or building, 2549
for which the department shall use up to three years of value- 2550
added data as available. 2551

In adopting benchmarks for assigning letter grades for 2552
overall score on value-added progress dimension under division 2553
(C) (1) (e) of this section, the state board shall prohibit the 2554
assigning of a grade of "A" for that measure unless the 2555
district's or building's grade assigned for value-added progress 2556
dimension for all subgroups under division (C) (1) (f) of this 2557
section is a "B" or higher. 2558

For the metric prescribed by division (C) (1) (e) of this 2559
section, the state board may adopt a student academic progress 2560
measure to be used instead of the value-added progress 2561
dimension. If the state board adopts such a measure, it also 2562
shall prescribe a method for assigning letter grades for the new 2563
measure that is comparable to the method prescribed in division 2564

(A) (1) (e) of this section. 2565

(f) The value-added progress dimension score of a school 2566
district or building disaggregated for each of the following 2567
subgroups: students identified as gifted in superior cognitive 2568
ability and specific academic ability fields under Chapter 3324. 2569
of the Revised Code, students with disabilities, and students 2570
whose performance places them in the lowest quintile for 2571
achievement on a statewide basis, as determined by a method 2572
prescribed by the state board. Each subgroup shall be a separate 2573
graded measure. 2574

The state board may adopt student academic progress 2575
measures to be used instead of the value-added progress 2576
dimension. If the state board adopts such measures, it also 2577
shall prescribe a method for assigning letter grades for the new 2578
measures that is comparable to the method prescribed in division 2579
(A) (1) (e) of this section. 2580

(g) Whether a school district or building is making 2581
progress in improving literacy in grades kindergarten through 2582
three, as determined using a method prescribed by the state 2583
board. The state board shall adopt rules to prescribe benchmarks 2584
and standards for assigning grades to a district or building for 2585
purposes of division (C) (1) (g) of this section. The state board 2586
shall designate for a "C" grade a value that is not lower than 2587
the statewide average value for this measure. No grade shall be 2588
issued under division (C) (1) (g) of this section for a district 2589
or building in which less than five per cent of students have 2590
scored below grade level on the kindergarten diagnostic 2591
assessment under division (B) (1) of section 3313.608 of the 2592
Revised Code. 2593

(h) For a high mobility school district or building, an 2594

additional value-added progress dimension score. For this 2595
measure, the department shall use value-added data from the most 2596
recent school year available and shall use assessment scores for 2597
only those students to whom the district or building has 2598
administered the assessments prescribed by section 3301.0710 of 2599
the Revised Code for each of the two most recent consecutive 2600
school years. 2601

As used in this division, "high mobility school district 2602
or building" means a school district or building where at least 2603
twenty-five per cent of its total enrollment is made up of 2604
students who have attended that school district or building for 2605
less than one year. 2606

(2) In addition to the graded measures in division (C) (1) 2607
of this section, the department shall include on a school 2608
district's or building's report card all of the following 2609
without an assigned letter grade: 2610

(a) The percentage of students enrolled in a district or 2611
building who have taken a national standardized test used for 2612
college admission determinations and the percentage of those 2613
students who are determined to be remediation-free in accordance 2614
with the standards adopted under division (F) of section 2615
3345.061 of the Revised Code; 2616

(b) The percentage of students enrolled in a district or 2617
building participating in advanced placement classes and the 2618
percentage of those students who received a score of three or 2619
better on advanced placement examinations; 2620

(c) The percentage of a district's or building's students 2621
who have earned at least three college credits through advanced 2622
standing programs, such as the college credit plus program under 2623

Chapter 3365. of the Revised Code and state-approved career- 2624
technical courses offered through dual enrollment or statewide 2625
articulation, that appear on a student's college transcript 2626
issued by the institution of higher education from which the 2627
student earned the college credit. The credits earned that are 2628
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2629
shall not include any that are remedial or developmental and 2630
shall include those that count toward the curriculum 2631
requirements established for completion of a degree. 2632

(d) The percentage of the district's or building's 2633
students who receive an honor's diploma under division (B) of 2634
section 3313.61 of the Revised Code; 2635

(e) The percentage of the district's or building's 2636
students who receive industry-recognized credentials; 2637

(f) The percentage of students enrolled in a district or 2638
building who are participating in an international baccalaureate 2639
program and the percentage of those students who receive a score 2640
of four or better on the international baccalaureate 2641
examinations; 2642

(g) The results of the college and career-ready 2643
assessments administered under division (B) (1) of section 2644
3301.0712 of the Revised Code. 2645

(3) The state board shall adopt rules pursuant to Chapter 2646
119. of the Revised Code that establish a method to assign an 2647
overall grade for a school district or school building for the 2648
~~2017-2018-2020-2021~~ school year and each school year thereafter. 2649
The rules shall group the performance measures in divisions (C) 2650
(1) and (2) of this section into the following components: 2651

(a) Gap closing, which shall include the performance 2652

measure in division (C) (1) (a) of this section;	2653
(b) Achievement, which shall include the performance	2654
measures in divisions (C) (1) (b) and (c) of this section;	2655
(c) Progress, which shall include the performance measures	2656
in divisions (C) (1) (e) and (f) of this section;	2657
(d) Graduation, which shall include the performance	2658
measure in division (C) (1) (d) of this section;	2659
(e) Kindergarten through third-grade literacy, which shall	2660
include the performance measure in division (C) (1) (g) of this	2661
section;	2662
(f) Prepared for success, which shall include the	2663
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	2664
and (f) of this section. The state board shall develop a method	2665
to determine a grade for the component in division (C) (3) (f) of	2666
this section using the performance measures in divisions (C) (2)	2667
(a), (b), (c), (d), (e), and (f) of this section. When	2668
available, the state board may incorporate the performance	2669
measure under division (C) (2) (g) of this section into the	2670
component under division (C) (3) (f) of this section. When	2671
determining the overall grade for the prepared for success	2672
component prescribed by division (C) (3) (f) of this section, no	2673
individual student shall be counted in more than one performance	2674
measure. However, if a student qualifies for more than one	2675
performance measure in the component, the state board may, in	2676
its method to determine a grade for the component, specify an	2677
additional weight for such a student that is not greater than or	2678
equal to 1.0. In determining the overall score under division	2679
(C) (3) (f) of this section, the state board shall ensure that the	2680
pool of students included in the performance measures aggregated	2681

under that division are all of the students included in the 2682
four- and five-year adjusted graduation cohort. 2683

In the rules adopted under division (C) (3) of this 2684
section, the state board shall adopt a method for determining a 2685
grade for each component in divisions (C) (3) (a) to (f) of this 2686
section. The state board also shall establish a method to assign 2687
an overall grade of "A," "B," "C," "D," or "F" using the grades 2688
assigned for each component. The method the state board adopts 2689
for assigning an overall grade shall give equal weight to the 2690
components in divisions (C) (3) (b) and (c) of this section. 2691

At least forty-five days prior to the state board's 2692
adoption of rules to prescribe the methods for calculating the 2693
overall grade for the report card, as required by this division, 2694
the department shall conduct a public presentation before the 2695
standing committees of the house of representatives and the 2696
senate that consider education legislation describing the format 2697
for the report card, weights that will be assigned to the 2698
components of the overall grade, and the method for calculating 2699
the overall grade. 2700

(D) On or after ~~than~~ July 1, 2015, the state board may 2701
develop a measure of student academic progress for high school 2702
students using only data from assessments in English language 2703
arts and mathematics. If the state board develops this measure, 2704
each school district and applicable school building shall be 2705
assigned a separate letter grade for if-it not sooner than the 2706
2017-2018 school year. The district's or building's grade for 2707
that measure shall not be included in determining the district's 2708
or building's overall letter grade. 2709

(E) The letter grades assigned to a school district or 2710
building under this section shall be as follows: 2711

(1) "A" for a district or school making excellent progress;	2712 2713
(2) "B" for a district or school making above average progress;	2714 2715
(3) "C" for a district or school making average progress;	2716
(4) "D" for a district or school making below average progress;	2717 2718
(5) "F" for a district or school failing to meet minimum progress.	2719 2720
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2721 2722 2723
(1) Performance of students by grade-level;	2724
(2) Performance of students by race and ethnic group;	2725
(3) Performance of students by gender;	2726
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2727 2728
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2729 2730 2731
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2732 2733
(7) Performance of students grouped by those who are economically disadvantaged;	2734 2735
(8) Performance of students grouped by those who are enrolled in a conversion community school established under	2736 2737

Chapter 3314. of the Revised Code;	2738
(9) Performance of students grouped by those who are classified as limited English proficient;	2739 2740
(10) Performance of students grouped by those who have disabilities;	2741 2742
(11) Performance of students grouped by those who are classified as migrants;	2743 2744
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	2745 2746 2747 2748 2749 2750 2751 2752 2753
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	2754 2755 2756
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F) (1) to (13) of this section that it deems relevant.	2757 2758 2759 2760 2761 2762 2763
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable	2764 2765 2766

or that could result in the identification of individual 2767
students. For this purpose, the department shall not report 2768
student performance data for any group identified in division 2769
(F) of this section that contains less than ten students. If the 2770
department does not report student performance data for a group 2771
because it contains less than ten students, the department shall 2772
indicate on the report card that is why data was not reported. 2773

(G) The department may include with the report cards any 2774
additional education and fiscal performance data it deems 2775
valuable. 2776

(H) The department shall include on each report card a 2777
list of additional information collected by the department that 2778
is available regarding the district or building for which the 2779
report card is issued. When available, such additional 2780
information shall include student mobility data disaggregated by 2781
race and socioeconomic status, college enrollment data, and the 2782
reports prepared under section 3302.031 of the Revised Code. 2783

The department shall maintain a site on the world wide 2784
web. The report card shall include the address of the site and 2785
shall specify that such additional information is available to 2786
the public at that site. The department shall also provide a 2787
copy of each item on the list to the superintendent of each 2788
school district. The district superintendent shall provide a 2789
copy of any item on the list to anyone who requests it. 2790

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2791
section, for any district that sponsors a conversion community 2792
school under Chapter 3314. of the Revised Code, the department 2793
shall combine data regarding the academic performance of 2794
students enrolled in the community school with comparable data 2795
from the schools of the district for the purpose of determining 2796

the performance of the district as a whole on the report card 2797
issued for the district under this section or section 3302.033 2798
of the Revised Code. 2799

(b) The department shall not combine data from any 2800
conversion community school that a district sponsors if a 2801
majority of the students enrolled in the conversion community 2802
school are enrolled in a dropout prevention and recovery program 2803
that is operated by the school, as described in division (A) (4) 2804
(a) of section 3314.35 of the Revised Code. The department shall 2805
include as an addendum to the district's report card the ratings 2806
and performance measures that are required under section 2807
3314.017 of the Revised Code for any community school to which 2808
division (I) (1) (b) of this section applies. This addendum shall 2809
include, at a minimum, the data specified in divisions (C) (1) 2810
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 2811

(2) Any district that leases a building to a community 2812
school located in the district or that enters into an agreement 2813
with a community school located in the district whereby the 2814
district and the school endorse each other's programs may elect 2815
to have data regarding the academic performance of students 2816
enrolled in the community school combined with comparable data 2817
from the schools of the district for the purpose of determining 2818
the performance of the district as a whole on the district 2819
report card. Any district that so elects shall annually file a 2820
copy of the lease or agreement with the department. 2821

(3) Any municipal school district, as defined in section 2822
3311.71 of the Revised Code, that sponsors a community school 2823
located within the district's territory, or that enters into an 2824
agreement with a community school located within the district's 2825
territory whereby the district and the community school endorse 2826

each other's programs, may exercise either or both of the 2827
following elections: 2828

(a) To have data regarding the academic performance of 2829
students enrolled in that community school combined with 2830
comparable data from the schools of the district for the purpose 2831
of determining the performance of the district as a whole on the 2832
district's report card; 2833

(b) To have the number of students attending that 2834
community school noted separately on the district's report card. 2835

The election authorized under division (I) (3) (a) of this 2836
section is subject to approval by the governing authority of the 2837
community school. 2838

Any municipal school district that exercises an election 2839
to combine or include data under division (I) (3) of this 2840
section, by the first day of October of each year, shall file 2841
with the department documentation indicating eligibility for 2842
that election, as required by the department. 2843

(J) The department shall include on each report card the 2844
percentage of teachers in the district or building who are 2845
highly qualified, as defined by the No Child Left Behind Act of 2846
2001, and a comparison of that percentage with the percentages 2847
of such teachers in similar districts and buildings. 2848

(K) (1) In calculating English language arts, mathematics, 2849
social studies, or science assessment passage rates used to 2850
determine school district or building performance under this 2851
section, the department shall include all students taking an 2852
assessment with accommodation or to whom an alternate assessment 2853
is administered pursuant to division (C) (1) or (3) of section 2854
3301.0711 of the Revised Code. 2855

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A) (1) or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C) (3) and (D) of this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C) (3) of section

3302.03 of the Revised Code for any school district or building 2885
for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, 2018- 2886
2019, or 2019-2020 school years, may, at the discretion of the 2887
state board of education, not assign an individual grade to any 2888
component prescribed under division (C) (3) of section 3302.03 of 2889
the Revised Code, and shall not rank school districts, community 2890
schools established under Chapter 3314. of the Revised Code, or 2891
STEM schools established under Chapter 3326. of the Revised Code 2892
under section 3302.21 of the Revised Code for those school 2893
years. The report card ratings issued for the 2014-2015, 2015- 2894
2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, or 2019-2020 school 2895
years shall not be considered in determining whether a school 2896
district or a school is subject to sanctions or penalties. 2897
However, the report card ratings of any previous or subsequent 2898
years shall be considered in determining whether a school 2899
district or building is subject to sanctions or penalties. 2900
Accordingly, the report card ratings for the 2014-2015, 2015- 2901
2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, or 2019-2020 school 2902
years shall have no effect in determining sanctions or 2903
penalties, but shall not create a new starting point for 2904
determinations that are based on ratings over multiple years. 2905

(B) The provisions from which a district or school is 2906
exempt under division (A) of this section shall be the 2907
following: 2908

(1) Any restructuring provisions established under this 2909
chapter, except as required under the "No Child Left Behind Act 2910
of 2001"; 2911

(2) Provisions for the Columbus city school pilot project 2912
under section 3302.042 of the Revised Code; 2913

(3) Provisions for academic distress commissions under 2914

former section 3302.10 of the Revised Code as it existed prior 2915
~~to the effective date of this amendment, October 15, 2015.~~ The 2916
provisions of this section do not apply to academic distress 2917
commissions under the version of that section as it exists on or 2918
~~after the effective date of this amendment, October 15, 2015.~~ 2919

(4) Provisions prescribing new buildings where students 2920
are eligible for the educational choice scholarships under 2921
section 3310.03 of the Revised Code; 2922

(5) Provisions defining "challenged school districts" in 2923
which new start-up community schools may be located, as 2924
prescribed in section 3314.02 of the Revised Code; 2925

(6) Provisions prescribing community school closure 2926
requirements under section 3314.35 or 3314.351 of the Revised 2927
Code. 2928

(C) Notwithstanding anything in the Revised Code to the 2929
contrary and except as provided in Section 3 of H.B. 7 of the 2930
131st general assembly, no school district, community school, or 2931
STEM school shall utilize at any time during a student's 2932
academic career a student's score on any assessment administered 2933
under division (A) of section 3301.0710 or division (B) (2) of 2934
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 2935
2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, or 2019-2020 school 2936
~~year-years~~ as a factor in any decision to promote or to deny the 2937
student promotion to a higher grade level or in any decision to 2938
grant course credit. No individual student score reports on such 2939
assessments administered in the 2014-2015, 2015-2016, ~~or~~ 2016- 2940
2017, 2017-2018, 2018-2019, or 2019-2020 school years shall be 2941
released, except to a student's school district or school or to 2942
the student or the student's parent or guardian. 2943

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2944
this section, for the 2014-2015 school year, and for each school 2945
year thereafter, when a provision refers to a school district or 2946
school building in a state of academic emergency, it shall mean 2947
a district or building rated "F"; when a provision refers to a 2948
school district or school building under an academic watch, it 2949
shall mean a district or building rated "D"; and when a 2950
provision refers to a school district or school building in need 2951
of continuous improvement, it shall mean a district or building 2952
rated "C" as those letter grade ratings for overall performance 2953
are assigned under division (C) (3) of section 3302.03 of the 2954
Revised Code, as it exists on or after March 22, 2013. 2955

(A) The department of education shall establish a system 2956
of intensive, ongoing support for the improvement of school 2957
districts and school buildings. In accordance with the model of 2958
differentiated accountability described in section 3302.041 of 2959
the Revised Code, the system shall give priority to the 2960
following: 2961

(1) For any school year prior to the 2012-2013 school 2962
year, districts and buildings that have been declared to be 2963
under an academic watch or in a state of academic emergency 2964
under section 3302.03 of the Revised Code; 2965

(2) For the 2012-2013 school year, and for each school 2966
year thereafter, districts and buildings in the manner 2967
prescribed by any agreement currently in force between the 2968
department and the United States department of education. The 2969
department shall endeavor to include schools and buildings that 2970
receive grades under section 3302.03 of the Revised Code that 2971
the department considers to be low performing. 2972

The system shall include services provided to districts 2973

and buildings through regional service providers, such as 2974
educational service centers. The system may include the 2975
appointment of an improvement coordinator for any of the lowest 2976
performing districts, as determined by the department, to 2977
coordinate the district's academic improvement efforts and to 2978
build support among the community for those efforts. 2979

(B) This division does not apply to any school district 2980
after June 30, 2008. 2981

When a school district has been notified by the department 2982
pursuant to section 3302.03 of the Revised Code that the 2983
district or a building within the district has failed to make 2984
adequate yearly progress for two consecutive school years, the 2985
district shall develop a three-year continuous improvement plan 2986
for the district or building containing each of the following: 2987

(1) An analysis of the reasons for the failure of the 2988
district or building to meet any of the applicable performance 2989
indicators established under section 3302.02 of the Revised Code 2990
that it did not meet and an analysis of the reasons for its 2991
failure to make adequate yearly progress; 2992

(2) Specific strategies that the district or building will 2993
use to address the problems in academic achievement identified 2994
in division (B)(1) of this section; 2995

(3) Identification of the resources that the district will 2996
allocate toward improving the academic achievement of the 2997
district or building; 2998

(4) A description of any progress that the district or 2999
building made in the preceding year toward improving its 3000
academic achievement; 3001

(5) An analysis of how the district is utilizing the 3002

professional development standards adopted by the state board 3003
pursuant to section 3319.61 of the Revised Code; 3004

(6) Strategies that the district or building will use to 3005
improve the cultural competency, as defined pursuant to section 3006
3319.61 of the Revised Code, of teachers and other educators. 3007

No three-year continuous improvement plan shall be 3008
developed or adopted pursuant to this division unless at least 3009
one public hearing is held within the affected school district 3010
or building concerning the final draft of the plan. Notice of 3011
the hearing shall be given two weeks prior to the hearing by 3012
publication in one newspaper of general circulation within the 3013
territory of the affected school district or building. Copies of 3014
the plan shall be made available to the public. 3015

(C) (1) For any school year prior to the school year that 3016
begins on July 1, 2012, when a school district or building has 3017
been notified by the department pursuant to section 3302.03 of 3018
the Revised Code that the district or building is under an 3019
academic watch or in a state of academic emergency, the district 3020
or building shall be subject to any rules establishing 3021
intervention in academic watch or emergency school districts or 3022
buildings. 3023

(2) For the 2012-2013 school year, and for each school 3024
year thereafter, a district or building that meets the 3025
conditions for intervention prescribed by the agreement 3026
described in division (A) (2) of this section shall be subject to 3027
any rules establishing such intervention. 3028

(D) (1) For any school year prior to the 2012-2013 school 3029
year, within one hundred twenty days after any school district 3030
or building is declared to be in a state of academic emergency 3031

under section 3302.03 of the Revised Code, the department may 3032
initiate a site evaluation of the building or school district. 3033

(2) For the 2012-2013 school year, and for each school 3034
year thereafter, the department may initiate a site evaluation 3035
of a building or school district that meets the conditions for a 3036
site evaluation prescribed by the agreement described in 3037
division (A)(2) of this section. 3038

(3) Division (D)(3) of this section does not apply to any 3039
school district after June 30, 2008. 3040

If any school district that is declared to be in a state 3041
of academic emergency or in a state of academic watch under 3042
section 3302.03 of the Revised Code or encompasses a building 3043
that is declared to be in a state of academic emergency or in a 3044
state of academic watch fails to demonstrate to the department 3045
satisfactory improvement of the district or applicable buildings 3046
or fails to submit to the department any information required 3047
under rules established by the state board of education, prior 3048
to approving a three-year continuous improvement plan under 3049
rules established by the state board of education, the 3050
department shall conduct a site evaluation of the school 3051
district or applicable buildings to determine whether the school 3052
district is in compliance with minimum standards established by 3053
law or rule. 3054

(4) Division (D)(4) of this section does not apply to any 3055
school district after June 30, 2008. Site evaluations conducted 3056
under divisions (D)(1), (2), and (3) of this section shall 3057
include, but not be limited to, the following: 3058

(a) Determining whether teachers are assigned to subject 3059
areas for which they are licensed or certified; 3060

(b) Determining pupil-teacher ratios;	3061
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	3062 3063
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	3064 3065 3066
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80 7 and 3311.84 7 — 3319.02 , and 3319.111 of the Revised Code, <u>if applicable</u> ;	3067 3068 3069
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	3070 3071 3072
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.	3073 3074 3075 3076 3077 3078
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	3079 3080 3081
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.	3082 3083 3084 3085 3086 3087 3088

(b) If the building receives funds under Title I, Part A 3089
of the "Elementary and Secondary Education Act of 1965," 20 3090
U.S.C. 6311 to 6339, from the district, in accordance with 3091
section 3313.97 of the Revised Code, offer all students enrolled 3092
in the building the opportunity to enroll in an alternative 3093
building within the district that is not in school improvement 3094
status as defined by the "No Child Left Behind Act of 2001." 3095
Notwithstanding Chapter 3327. of the Revised Code, the district 3096
shall spend an amount equal to twenty per cent of the funds it 3097
receives under Title I, Part A of the "Elementary and Secondary 3098
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 3099
transportation for students who enroll in alternative buildings 3100
under this division, unless the district can satisfy all demand 3101
for transportation with a lesser amount. If an amount equal to 3102
twenty per cent of the funds the district receives under Title 3103
I, Part A of the "Elementary and Secondary Education Act of 3104
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 3105
demand for transportation, the district shall grant priority 3106
over all other students to the lowest achieving students among 3107
the subgroup described in division (B) (3) of section 3302.01 of 3108
the Revised Code in providing transportation. Any district that 3109
does not receive funds under Title I, Part A of the "Elementary 3110
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 3111
shall not be required to provide transportation to any student 3112
who enrolls in an alternative building under this division. 3113

(2) For any school building that fails to make adequate 3114
yearly progress for three consecutive school years, the district 3115
shall do both of the following: 3116

(a) If the building receives funds under Title I, Part A 3117
of the "Elementary and Secondary Education Act of 1965," 20 3118
U.S.C. 6311 to 6339, from the district, in accordance with 3119

section 3313.97 of the Revised Code, provide all students 3120
enrolled in the building the opportunity to enroll in an 3121
alternative building within the district that is not in school 3122
improvement status as defined by the "No Child Left Behind Act 3123
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 3124
district shall provide transportation for students who enroll in 3125
alternative buildings under this division to the extent required 3126
under division (E) (2) of this section. 3127

(b) If the building receives funds under Title I, Part A 3128
of the "Elementary and Secondary Education Act of 1965," 20 3129
U.S.C. 6311 to 6339, from the district, offer supplemental 3130
educational services to students who are enrolled in the 3131
building and who are in the subgroup described in division (B) 3132
(3) of section 3302.01 of the Revised Code. 3133

The district shall spend a combined total of an amount 3134
equal to twenty per cent of the funds it receives under Title I, 3135
Part A of the "Elementary and Secondary Education Act of 1965," 3136
20 U.S.C. 6311 to 6339, to provide transportation for students 3137
who enroll in alternative buildings under division (E) (1) (b) or 3138
(E) (2) (a) of this section and to pay the costs of the 3139
supplemental educational services provided to students under 3140
division (E) (2) (b) of this section, unless the district can 3141
satisfy all demand for transportation and pay the costs of 3142
supplemental educational services for those students who request 3143
them with a lesser amount. In allocating funds between the 3144
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 3145
this section, the district shall spend at least an amount equal 3146
to five per cent of the funds it receives under Title I, Part A 3147
of the "Elementary and Secondary Education Act of 1965," 20 3148
U.S.C. 6311 to 6339, to provide transportation for students who 3149
enroll in alternative buildings under division (E) (1) (b) or (E) 3150

(2) (a) of this section, unless the district can satisfy all 3151
demand for transportation with a lesser amount, and at least an 3152
amount equal to five per cent of the funds it receives under 3153
Title I, Part A of the "Elementary and Secondary Education Act 3154
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 3155
supplemental educational services provided to students under 3156
division (E) (2) (b) of this section, unless the district can pay 3157
the costs of such services for all students requesting them with 3158
a lesser amount. If an amount equal to twenty per cent of the 3159
funds the district receives under Title I, Part A of the 3160
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 3161
to 6339, is insufficient to satisfy all demand for 3162
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 3163
section and to pay the costs of all of the supplemental 3164
educational services provided to students under division (E) (2) 3165
(b) of this section, the district shall grant priority over all 3166
other students in providing transportation and in paying the 3167
costs of supplemental educational services to the lowest 3168
achieving students among the subgroup described in division (B) 3169
(3) of section 3302.01 of the Revised Code. 3170

Any district that does not receive funds under Title I, 3171
Part A of the "Elementary and Secondary Education Act of 1965," 3172
20 U.S.C. 6311 to 6339, shall not be required to provide 3173
transportation to any student who enrolls in an alternative 3174
building under division (E) (2) (a) of this section or to pay the 3175
costs of supplemental educational services provided to any 3176
student under division (E) (2) (b) of this section. 3177

No student who enrolls in an alternative building under 3178
division (E) (2) (a) of this section shall be eligible for 3179
supplemental educational services under division (E) (2) (b) of 3180
this section. 3181

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.

(d) Extend the length of the school day or year;

(e) Replace the building principal or other key personnel;

(f) Reorganize the administrative structure of the building.

(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;

(b) Replace personnel;

(c) Contract with a nonprofit or for-profit entity to operate the building;	3209 3210
(d) Turn operation of the building over to the department;	3211
(e) Other significant restructuring of the building's governance.	3212 3213
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	3214 3215 3216 3217 3218
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	3219 3220 3221 3222 3223
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	3224 3225 3226 3227
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.	3228 3229 3230 3231 3232 3233 3234 3235 3236 3237

(2) If a school district has been identified for 3238
improvement for two consecutive school years, the district shall 3239
continue to implement the continuous improvement plan developed 3240
by the district pursuant to division (B) or (F)(1) of this 3241
section. 3242

(3) If a school district has been identified for 3243
improvement for three consecutive school years, the department 3244
shall take at least one of the following corrective actions with 3245
respect to the district: 3246

(a) Withhold a portion of the funds the district is 3247
entitled to receive under Title I, Part A of the "Elementary and 3248
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 3249

(b) Direct the district to replace key district personnel; 3250

(c) Institute a new curriculum that is consistent with the 3251
statewide academic standards adopted pursuant to division (A) of 3252
section 3301.079 of the Revised Code; 3253

(d) Establish alternative forms of governance for 3254
individual school buildings within the district; 3255

(e) Appoint a trustee to manage the district in place of 3256
the district superintendent and board of education. 3257

The department shall conduct individual audits of a 3258
sampling of districts subject to this division to determine 3259
compliance with the corrective actions taken by the department. 3260

(4) If a school district has been identified for 3261
improvement for four consecutive school years, the department 3262
shall continue to monitor implementation of the corrective 3263
action taken under division (F)(3) of this section with respect 3264
to the district. 3265

(5) If a school district has been identified for 3266
improvement for five consecutive school years, the department 3267
shall take at least one of the corrective actions identified in 3268
division (F) (3) of this section with respect to the district, 3269
provided that the corrective action the department takes is 3270
different from the corrective action previously taken under 3271
division (F) (3) of this section with respect to the district. 3272

(G) The department may establish a state intervention team 3273
to evaluate all aspects of a school district or building, 3274
including management, curriculum, instructional methods, 3275
resource allocation, and scheduling. Any such intervention team 3276
shall be appointed by the department and shall include teachers 3277
and administrators recognized as outstanding in their fields. 3278
The intervention team shall make recommendations regarding 3279
methods for improving the performance of the district or 3280
building. 3281

The department shall not approve a district's request for 3282
an intervention team under division (E) (3) of this section if 3283
the department cannot adequately fund the work of the team, 3284
unless the district agrees to pay for the expenses of the team. 3285

(H) The department shall conduct individual audits of a 3286
sampling of community schools established under Chapter 3314. of 3287
the Revised Code to determine compliance with this section. 3288

(I) The state board shall adopt rules for implementing 3289
this section. 3290

Sec. 3302.05. The state board of education shall adopt 3291
rules freeing school districts from specified state mandates if 3292
one of the following applies: 3293

(A) For the 2011-2012 school year, the school district was 3294

declared to be excellent under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013, and had above expected growth in the overall value-added measure.

(B) For the 2012-2013 school year, the school district received a grade of "A" for the number of performance indicators met under division (A) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (A) (1) (e) of section 3302.03 of the Revised Code.

(C) For the 2013-2014, 2014-2015, ~~or 2015-2016,~~ 2016-2017, 2017-2018, 2018-2019, or 2019-2020 school-year years, the school district received a grade of "A" for the number of performance indicators met under division (B) (1) (c) or (C) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B) (1) (e) or (C) (1) (e) of section 3302.03 of the Revised Code.

(D) For the ~~2016-2017-2020-2021~~ school year and for each school year thereafter, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code.

Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard adopted under division (D) (3) of section 3301.07 of the Revised Code.

Sec. 3302.15. (A) Notwithstanding anything to the contrary in Chapter 3301. or 3302. of the Revised Code, the board of education of a school district, governing authority of a community school established under Chapter 3314. of the Revised Code, or governing body of a STEM school established under

Chapter 3326. of the Revised Code may submit to the 3324
superintendent of public instruction, during the 2015-2016 3325
school year, a request for a waiver for up to five school years 3326
from administering the state achievement assessments required 3327
under sections 3301.0710 and 3301.0712 of the Revised Code and 3328
related requirements specified under division (B)(2) of this 3329
section. A district or school that obtains a waiver under this 3330
section shall use the alternative assessment system, as proposed 3331
by the district or school and as approved by the state 3332
superintendent, in place of the assessments required under 3333
sections 3301.0710 and 3301.0712 of the Revised Code. 3334

(B)(1) A request for a waiver under this section shall 3335
contain the following: 3336

(a) A timeline to develop and implement an alternative 3337
assessment system for the district or school; 3338

(b) An overview of the proposed innovative educational 3339
programs or strategies to be offered by the district or school; 3340

(c) An overview of the proposed alternative assessment 3341
system; 3342

(d) An overview of planning details that have been 3343
implemented or proposed and any documented support from 3344
educational networks, established educational consultants, state 3345
institutions of higher education as defined under section 3346
3345.011 of the Revised Code, and employers or workforce 3347
development partners; 3348

(e) An overview of the capacity to implement the 3349
alternative assessments, conduct the evaluation of teachers with 3350
alternative assessments, and the reporting of student 3351
achievement data with alternative assessments for the purpose of 3352

the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;

(f) An acknowledgement by the district or school of federal funding that may be impacted by obtaining a waiver.

(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a district or school may be exempt are as follows:

(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code;

(b) The evaluation of teachers and administrators under sections 3311.80, and 3311.84, ~~division (D) of 3319.02, and 3319.111~~ of the Revised Code;

(c) The reporting of student achievement data for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code.

(C) Each request for a waiver shall include the signature of all of the following:

(1) The superintendent of the school district or the equivalent for a community school or STEM school;

(2) The president of the district board or the equivalent for a community school or STEM school;

(3) The presiding officer of the labor organization representing the district's or school's teachers, if any;

(4) If the district's or school's teachers are not 3381
represented by a labor organization, the principal and a 3382
majority of the administrators and teachers of the district or 3383
school. 3384

(D) Upon receipt of a request for a waiver, the state 3385
superintendent shall approve or deny the waiver or may request 3386
additional information from the district or school. The state 3387
superintendent shall not grant waivers to more than a total of 3388
ten districts, community schools, or STEM schools, based on 3389
requests for a waiver received during the 2015-2016 school year. 3390
A waiver granted to a district or school shall be contingent on 3391
an ongoing review and evaluation by the state superintendent of 3392
the program for which the waiver was granted. 3393

(E) (1) For the purpose of this section, the department of 3394
education shall seek a waiver from the testing requirements 3395
prescribed under the "No Child Left Behind Act of 2001," if 3396
necessary to implement this section. 3397

(2) The department shall create a mechanism for the 3398
comparison of the alternative assessments prescribed under 3399
division (B) of this section and the assessments required under 3400
sections 3301.0710 and 3301.0712 of the Revised Code as it 3401
relates to the evaluation of teachers and student achievement 3402
data for the purpose of state report card ratings. 3403

(F) For purposes of this section, "innovative educational 3404
program or strategy" means a program or strategy using a new 3405
idea or method aimed at increasing student engagement and 3406
preparing students to be college or career ready. 3407

Sec. 3310.03. A student is an "eligible student" for 3408
purposes of the educational choice scholarship pilot program if 3409

the student's resident district is not a school district in 3410
which the pilot project scholarship program is operating under 3411
sections 3313.974 to 3313.979 of the Revised Code and the 3412
student satisfies one of the conditions in division (A), (B), 3413
(C), (D), or (E) of this section: 3414

(A) (1) The student is enrolled in a school building 3415
operated by the student's resident district that, on the report 3416
card issued under section 3302.03 of the Revised Code published 3417
prior to the first day of July of the school year for which a 3418
scholarship is sought, did not receive a rating as described in 3419
division (H) of this section, and to which any or a combination 3420
of any of the following apply for two of the three most recent 3421
report cards published prior to the first day of July of the 3422
school year for which a scholarship is sought: 3423

(a) The building was declared to be in a state of academic 3424
emergency or academic watch under section 3302.03 of the Revised 3425
Code as that section existed prior to March 22, 2013. 3426

(b) The building received a grade of "D" or "F" for the 3427
performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), 3428
or (C) (1) (b) of section 3302.03 of the Revised Code and for the 3429
value-added progress dimension under division (A) (1) (e) ~~or~~, (B) 3430
(1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for 3431
the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 3432
2017-2018, 2018-2019, or 2019-2020 school year; or if the 3433
building serves only grades ten through twelve, the building 3434
received a grade of "D" or "F" for the performance index score 3435
under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3436
3302.03 of the Revised Code and had a four-year adjusted cohort 3437
graduation rate of less than seventy-five per cent. 3438

(c) The building received an overall grade of "D" or "F" 3439

under division (C) (3) of section 3302.03 of the Revised Code or 3440
a grade of "F" for the value-added progress dimension under 3441
division (C) (1) (e) of section 3302.03 of the Revised Code for 3442
the ~~2016-2017~~2020-2021 school year or any school year 3443
thereafter. 3444

(2) The student will be enrolling in any of grades 3445
kindergarten through twelve in this state for the first time in 3446
the school year for which a scholarship is sought, will be at 3447
least five years of age by the first day of January of the 3448
school year for which a scholarship is sought, and otherwise 3449
would be assigned under section 3319.01 of the Revised Code in 3450
the school year for which a scholarship is sought, to a school 3451
building described in division (A) (1) of this section. 3452

(3) The student is enrolled in a community school 3453
established under Chapter 3314. of the Revised Code but 3454
otherwise would be assigned under section 3319.01 of the Revised 3455
Code to a building described in division (A) (1) of this section. 3456

(4) The student is enrolled in a school building operated 3457
by the student's resident district or in a community school 3458
established under Chapter 3314. of the Revised Code and 3459
otherwise would be assigned under section 3319.01 of the Revised 3460
Code to a school building described in division (A) (1) of this 3461
section in the school year for which the scholarship is sought. 3462

(5) The student will be both enrolling in any of grades 3463
kindergarten through twelve in this state for the first time and 3464
at least five years of age by the first day of January of the 3465
school year for which a scholarship is sought, or is enrolled in 3466
a community school established under Chapter 3314. of the 3467
Revised Code, and all of the following apply to the student's 3468
resident district: 3469

(a) The district has in force an intradistrict open 3470
enrollment policy under which no student in the student's grade 3471
level is automatically assigned to a particular school building; 3472

(b) In the most recent rating published prior to the first 3473
day of July of the school year for which scholarship is sought, 3474
the district did not receive a rating described in division (H) 3475
of this section, and in at least two of the three most recent 3476
report cards published prior to the first day of July of that 3477
school year, any or a combination of the following apply to the 3478
district: 3479

(i) The district was declared to be in a state of academic 3480
emergency under section 3302.03 of the Revised Code as it 3481
existed prior to March 22, 2013. 3482

(ii) The district received a grade of "D" or "F" for the 3483
performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), 3484
or (C) (1) (b) of section 3302.03 of the Revised Code and for the 3485
value-added progress dimension under division (A) (1) (e) ~~or~~, (B) 3486
(1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for 3487
the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 3488
2017-2018, 2018-2019, or 2019-2020 school year. 3489

(c) The district received an overall grade of "D" or "F" 3490
under division (C) (3) of section 3302.03 of the Revised Code or 3491
a grade of "F" for the value-added progress dimension under 3492
division (C) (1) (e) of section 3302.03 of the Revised Code for 3493
the ~~2016-2017-2020-2021~~ school year or any school year 3494
thereafter. 3495

(6) Beginning in the ~~2016-2017-2020-2021~~ school year, the 3496
student is enrolled in or will be enrolling in a building in the 3497
school year for which the scholarship is sought that serves any 3498

of grades nine through twelve and that received a grade of "D" 3499
or "F" for the four-year adjusted cohort graduation rate under 3500
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 3501
of the Revised Code in two of the three most recent report cards 3502
published prior to the first day of July of the school year for 3503
which a scholarship is sought. 3504

(B) (1) The student is enrolled in a school building 3505
operated by the student's resident district and to which both of 3506
the following apply: 3507

(a) The building was ranked, for at least two of the three 3508
most recent rankings prior to the first day of July of the 3509
school year for which a scholarship is sought, in the lowest ten 3510
per cent of all buildings operated by city, local, and exempted 3511
village school districts according to performance index score as 3512
determined by the department of education. 3513

(b) The building was not declared to be excellent or 3514
effective, or the equivalent of such ratings as determined by 3515
the department, under section 3302.03 of the Revised Code in the 3516
most recent rating published prior to the first day of July of 3517
the school year for which a scholarship is sought. 3518

(2) The student will be enrolling in any of grades 3519
kindergarten through twelve in this state for the first time in 3520
the school year for which a scholarship is sought, will be at 3521
least five years of age, as defined in section 3321.01 of the 3522
Revised Code, by the first day of January of the school year for 3523
which a scholarship is sought, and otherwise would be assigned 3524
under section 3319.01 of the Revised Code in the school year for 3525
which a scholarship is sought, to a school building described in 3526
division (B) (1) of this section. 3527

(3) The student is enrolled in a community school 3528
established under Chapter 3314. of the Revised Code but 3529
otherwise would be assigned under section 3319.01 of the Revised 3530
Code to a building described in division (B)(1) of this section. 3531

(4) The student is enrolled in a school building operated 3532
by the student's resident district or in a community school 3533
established under Chapter 3314. of the Revised Code and 3534
otherwise would be assigned under section 3319.01 of the Revised 3535
Code to a school building described in division (B)(1) of this 3536
section in the school year for which the scholarship is sought. 3537

(C) The student is enrolled in a nonpublic school at the 3538
time the school is granted a charter by the state board of 3539
education under section 3301.16 of the Revised Code and the 3540
student meets the standards of division (B) of section 3310.031 3541
of the Revised Code. 3542

(D) For the ~~2016-2017-2020-2021~~ school year and each 3543
school year thereafter, the student is in any of grades 3544
kindergarten through three, is enrolled in a school building 3545
that is operated by the student's resident district or will be 3546
enrolling in any of grades kindergarten through twelve in this 3547
state for the first time in the school year for which a 3548
scholarship is sought, and to which both of the following apply: 3549

(1) The building, in at least two of the three most recent 3550
ratings of school buildings published prior to the first day of 3551
July of the school year for which a scholarship is sought, 3552
received a grade of "D" or "F" for making progress in improving 3553
literacy in grades kindergarten through three under division (B) 3554
(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 3555

(2) The building did not receive a grade of "A" for making 3556

progress in improving literacy in grades kindergarten through 3557
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 3558
of the Revised Code in the most recent rating published prior to 3559
the first day of July of the school year for which a scholarship 3560
is sought. 3561

(E) The student's resident district is subject to section 3562
3302.10 of the Revised Code and the student either: 3563

(1) Is enrolled in a school building operated by the 3564
resident district or in a community school established under 3565
Chapter 3314. of the Revised Code; 3566

(2) Will be both enrolling in any of grades kindergarten 3567
through twelve in this state for the first time and at least 3568
five years of age by the first day of January of the school year 3569
for which a scholarship is sought. 3570

(F) A student who receives a scholarship under the 3571
educational choice scholarship pilot program remains an eligible 3572
student and may continue to receive scholarships in subsequent 3573
school years until the student completes grade twelve, so long 3574
as all of the following apply: 3575

(1) The student's resident district remains the same, or 3576
the student transfers to a new resident district and otherwise 3577
would be assigned in the new resident district to a school 3578
building described in division (A) (1), (B) (1), (D), or (E) of 3579
this section. 3580

(2) Except as provided in divisions (K) (1) and (L) of 3581
section 3301.0711 of the Revised Code, the student takes each 3582
assessment prescribed for the student's grade level under 3583
section 3301.0710 or 3301.0712 of the Revised Code while 3584
enrolled in a chartered nonpublic school. 3585

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(G) (1) The department shall cease awarding first-time scholarships pursuant to divisions (A) (1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A) (5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B) (1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B) (1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) The department shall cease awarding first-time scholarships pursuant to division (E) of this section with

respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

(5) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (F) of this section.

(H) The state board of education shall adopt rules defining excused absences for purposes of division (F) (3) of this section.

(I) (1) A student who satisfies only the conditions prescribed in divisions (A) (1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The building has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(b) For the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 2018-2019, or 2019-2020 school year, the building has a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~ (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b), or (C) (1) (b) of section

3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent.

(c) For the ~~2016-2017-2020-2021~~ school year or any school year thereafter, the building has a grade of "A" or "B" under division (C) (3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent.

(2) A student who satisfies only the conditions prescribed in division (A) (5) of this section shall not be eligible for a scholarship if the student's resident district meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(b) The district has a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, ~~and~~ 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years.

(c) The district has an overall grade of "A" or "B" under 3674
division (C) (3) of section 3302.03 of the Revised Code and a 3675
grade of "A" for the value-added progress dimension under 3676
division (C) (1) (e) of section 3302.03 of the Revised Code for 3677
the ~~2016-2017~~ 2020-2021 school year or any school year 3678
thereafter. 3679

~~**Sec. 3311.80.** Notwithstanding any provision of the Revised 3680
Code to the contrary, a municipal school district shall be 3681
subject to this section instead of section 3319.111 of the 3682
Revised Code. 3683~~

(A) Not later than July 1, 2013, the board of education of 3684
each municipal school district and the teachers' labor 3685
organization shall develop and adopt standards-based teacher 3686
evaluation procedures that conform with the framework for 3687
evaluation of teachers developed under former section 3319.112 3688
of the Revised Code. The evaluation procedures shall include at 3689
least formal observations and classroom walk-throughs, which may 3690
be announced or unannounced; examinations of samples of work, 3691
such as lesson plans or assessments designed by a teacher; and 3692
multiple measures of student academic growth. 3693

(B) When using measures of student academic growth as a 3694
component of a teacher's evaluation, those measures shall 3695
include the value-added progress dimension prescribed by section 3696
3302.021 of the Revised Code or the alternative student academic 3697
progress measure if adopted under division (C) (1) (e) of section 3698
3302.03 of the Revised Code. For teachers of grade levels and 3699
subjects for which the value-added progress dimension or 3700
alternative student academic achievement measure is not 3701
applicable, the board shall administer assessments on the list 3702
developed under division (B) (2) of former section 3319.112 of 3703

the Revised Code. 3704

(C) (1) Each teacher employed by the board shall be 3705
evaluated at least once each school year, except as provided in 3706
division (C) (2) of this section. The composite evaluation shall 3707
be completed not later than the first day of June and the 3708
teacher shall receive a written report of the results of the 3709
composite evaluation not later than ten days after its 3710
completion or the last teacher work day of the school year, 3711
whichever is earlier. 3712

(2) Each teacher who received a rating of accomplished on 3713
the teacher's most recent evaluation conducted under this 3714
section may be evaluated once every two school years, except 3715
that the teacher shall be evaluated in any school year in which 3716
the teacher's contract is due to expire. The biennial composite 3717
evaluation shall be completed not later than the first day of 3718
June of the applicable school year, and the teacher shall 3719
receive a written report of the results of the composite 3720
evaluation not later than ten days after its completion or the 3721
last teacher work day of the school year, whichever is earlier. 3722

(D) Each evaluation conducted pursuant to this section 3723
shall be conducted by one or more of the following persons who 3724
have been trained to conduct evaluations in accordance with 3725
criteria that shall be developed jointly by the chief executive 3726
officer of the district, or the chief executive officer's 3727
designee, and the teachers' labor organization: 3728

(1) The chief executive officer or a subordinate officer 3729
of the district with responsibility for instruction or academic 3730
affairs; 3731

(2) A person who is under contract with the board pursuant 3732

to section 3319.02 of the Revised Code and holds a license 3733
designated for being a principal issued under section 3319.22 of 3734
the Revised Code; 3735

(3) A person who is under contract with the board pursuant 3736
to section 3319.02 of the Revised Code and holds a license 3737
designated for being a vocational director or a supervisor in 3738
any educational area issued under section 3319.22 of the Revised 3739
Code; 3740

(4) A person designated to conduct evaluations under an 3741
agreement providing for peer assistance and review entered into 3742
by the board and the teachers' labor organization. 3743

(E) The evaluation procedures shall describe how the 3744
evaluation results will be used for decisions regarding 3745
compensation, retention, promotion, and reductions in force and 3746
for removal of poorly performing teachers. 3747

(F) A teacher may challenge any violations of the 3748
evaluation procedures in accordance with the grievance procedure 3749
specified in any applicable collective bargaining agreement. A 3750
challenge under this division is limited to the determination of 3751
procedural errors that have resulted in substantive harm to the 3752
teacher and to ordering the correction of procedural errors. The 3753
failure of the board or a person conducting an evaluation to 3754
strictly comply with any deadline or evaluation forms 3755
established as part of the evaluation process shall not be cause 3756
for an arbitrator to determine that a procedural error occurred, 3757
unless the arbitrator finds that the failure resulted in 3758
substantive harm to the teacher. The arbitrator shall have no 3759
jurisdiction to modify the evaluation results, but the 3760
arbitrator may stay any decision taken pursuant to division (E) 3761
of this section pending the board's correction of any procedural 3762

error. The board shall correct any procedural error within 3763
fifteen business days after the arbitrator's determination that 3764
a procedural error occurred. 3765

(G) Notwithstanding any provision to the contrary in 3766
Chapter 4117. of the Revised Code, the requirements of this 3767
section prevail over any conflicting provisions of a collective 3768
bargaining agreement entered into on or after October 1, 2012. 3769
However, the board and the teachers' labor organization may 3770
negotiate additional evaluation procedures, including an 3771
evaluation process incorporating peer assistance and review, 3772
provided the procedures are consistent with this section. 3773

(H) This section does not apply to administrators 3774
appointed by the chief executive officer of a municipal school 3775
district under section 3311.72 of the Revised Code, 3776
administrators subject to evaluation procedures under section 3777
3311.84 or 3319.02 of the Revised Code, or to any teacher 3778
employed as a substitute for less than one hundred twenty days 3779
during a school year pursuant to section 3319.10 of the Revised 3780
Code. 3781

Sec. 3311.84. Notwithstanding any provision of the Revised 3782
Code to the contrary, a municipal school district shall be 3783
subject to this section instead of former division (D) of 3784
section 3319.02 of the Revised Code, as that section existed 3785
prior to the effective date of this amendment, with respect to 3786
principals and assistant principals, but all other provisions of 3787
that section shall apply to the district with respect to 3788
principals and assistant principals. Section 3319.02 of the 3789
Revised Code in its entirety shall apply to the district with 3790
respect to employees other than principals and assistant 3791
principals who are covered by that section, except as otherwise 3792

provided in section 3311.72 of the Revised Code. 3793

(A) As used in this section, "principal" includes an 3794
assistant principal. 3795

(B) The board of education of each municipal school 3796
district shall adopt procedures for the evaluation of principals 3797
and shall evaluate all principals in accordance with those 3798
procedures. The procedures shall be based on principles 3799
comparable to the teacher evaluation procedures adopted under 3800
section 3311.80 of the Revised Code, but shall be tailored to 3801
the duties and responsibilities of principals and the 3802
environment in which principals work. Each evaluation shall 3803
measure the principal's effectiveness in performing the duties 3804
included in the principal's job description and shall be 3805
considered by the board in deciding whether to renew the 3806
principal's contract of employment. 3807

(C) The evaluation procedures adopted under this section 3808
shall require each principal to be evaluated annually through a 3809
written evaluation process. The evaluation shall be conducted by 3810
the chief executive officer of the district, or the chief 3811
executive officer's designee. 3812

(D) To provide time to show progress in correcting 3813
deficiencies identified in the evaluation, each evaluation shall 3814
be completed as follows: 3815

(1) In any school year that the principal's contract of 3816
employment is not due to expire, at least one evaluation shall 3817
be completed in that year. A written copy of the evaluation 3818
shall be provided to the principal by the end of the principal's 3819
contract year as defined by the principal's annual salary 3820
notice. 3821

(2) In any school year that the principal's contract of employment is due to expire, at least a preliminary evaluation and a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the principal at least sixty days prior to any action by the board on the principal's contract of employment. The final evaluation shall indicate the chief executive officer's intended recommendation to the board regarding a contract of employment for the principal. A written copy of the final evaluation shall be provided to the principal at least five days prior to the chief executive officer making the recommendation to the board.

(E) At least thirty days prior to taking action to renew or not renew the contract of a principal, the board shall notify the principal of the board's intended action and that the principal may request a meeting with the board regarding the board's intended action. Upon request of the principal, the board shall grant the principal a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The principal shall be permitted to have a representative, chosen by the principal, present at the meeting.

The establishment of evaluation procedures in accordance with this section shall not create an expectancy of continued employment. Nothing in this section shall prevent the board from making the final determination regarding the renewal or nonrenewal of a principal's contract.

(F) Termination of a principal's contract shall be in accordance with section 3319.16 of the Revised Code, except as follows:

(1) Failure of the principal's building to meet academic

performance standards established by the chief executive officer 3852
shall be considered good and just cause for termination under 3853
that section. 3854

(2) If the chief executive officer intends to recommend to 3855
the board that the principal's contract be terminated, the chief 3856
executive officer shall provide the principal a written copy of 3857
the principal's evaluation at least five days prior to making 3858
the recommendation to the board. 3859

Sec. 3313.532. (A) Any person twenty-two or more years of 3860
age and enrolled in an adult high school continuation program 3861
established pursuant to section 3313.531 of the Revised Code may 3862
request the board of education operating the program to conduct 3863
an evaluation in accordance with division (C) of this section. 3864

(B) Any applicant to a board of education for a diploma of 3865
adult education under division (B) of section 3313.611 of the 3866
Revised Code may request the board to conduct an evaluation in 3867
accordance with division (C) of this section. 3868

(C) Upon the request of any person pursuant to division 3869
(A) or (B) of this section, the board of education to which the 3870
request is made shall evaluate the person to determine whether 3871
the person is disabled, in accordance with rules adopted by the 3872
state board of education. If the evaluation indicates that the 3873
person is disabled, the board shall determine whether to excuse 3874
the person from taking any of the assessments ~~required~~ 3875
~~prescribed by section 3313.618-3301.0712 of the Revised Code as~~ 3876
~~a requirement for receiving a diploma under section 3313.611 of~~ 3877
~~the Revised Code.~~ The board may require the person to take an 3878
alternate assessment in place of any test from which the person 3879
is so excused. 3880

Sec. 3313.60. Notwithstanding division (D) of section	3881
3311.52 of the Revised Code, divisions (A) to (E) of this	3882
section do not apply to any cooperative education school	3883
district established pursuant to divisions (A) to (C) of section	3884
3311.52 of the Revised Code.	3885
(A) The board of education of each city, exempted village,	3886
and local school district and the board of each cooperative	3887
education school district established, pursuant to section	3888
3311.521 of the Revised Code, shall prescribe a curriculum for	3889
all schools under its control. Except as provided in division	3890
(E) of this section, in any such curriculum there shall be	3891
included the study of the following subjects:	3892
(1) The language arts, including reading, writing,	3893
spelling, oral and written English, and literature;	3894
(2) Geography, the history of the United States and of	3895
Ohio, and national, state, and local government in the United	3896
States, including a balanced presentation of the relevant	3897
contributions to society of men and women of African, Mexican,	3898
Puerto Rican, and American Indian descent as well as other	3899
ethnic and racial groups in Ohio and the United States;	3900
(3) Mathematics;	3901
(4) Natural science, including instruction in the	3902
conservation of natural resources;	3903
(5) Health education, which shall include instruction in:	3904
(a) The nutritive value of foods, including natural and	3905
organically produced foods, the relation of nutrition to health,	3906
and the use and effects of food additives;	3907
(b) The harmful effects of and legal restrictions against	3908

the use of drugs of abuse, alcoholic beverages, and tobacco; 3909

(c) Venereal disease education, except that upon written 3910
request of the student's parent or guardian, a student shall be 3911
excused from taking instruction in venereal disease education; 3912

(d) In grades kindergarten through six, instruction in 3913
personal safety and assault prevention, except that upon written 3914
request of the student's parent or guardian, a student shall be 3915
excused from taking instruction in personal safety and assault 3916
prevention; 3917

(e) In grades seven through twelve, age-appropriate 3918
instruction in dating violence prevention education, which shall 3919
include instruction in recognizing dating violence warning signs 3920
and characteristics of healthy relationships. 3921

In order to assist school districts in developing a dating 3922
violence prevention education curriculum, the department of 3923
education shall provide on its web site links to free curricula 3924
addressing dating violence prevention. 3925

If the parent or legal guardian of a student less than 3926
eighteen years of age submits to the principal of the student's 3927
school a written request to examine the dating violence 3928
prevention instruction materials used at that school, the 3929
principal, within a reasonable period of time after the request 3930
is made, shall allow the parent or guardian to examine those 3931
materials at that school. 3932

(f) Prescription opioid abuse prevention, with an emphasis 3933
on the prescription drug epidemic and the connection between 3934
prescription opioid abuse and addiction to other drugs, such as 3935
heroin; 3936

(g) The process of making an anatomical gift under Chapter 3937

2108. of the Revised Code, with an emphasis on the life-saving	3938
and life-enhancing effects of organ and tissue donation.	3939
(6) Physical education;	3940
(7) The fine arts, including music;	3941
(8) First aid, including a training program in	3942
cardiopulmonary resuscitation, which shall comply with section	3943
3313.6021 of the Revised Code when offered in any of grades nine	3944
through twelve, safety, and fire prevention. However, upon	3945
written request of the student's parent or guardian, a student	3946
shall be excused from taking instruction in cardiopulmonary	3947
resuscitation.	3948
(B) Except as provided in division (E) of this section,	3949
every school or school district shall include in the	3950
requirements for promotion from the eighth grade to the ninth	3951
grade one year's course of study of American history. A board	3952
may waive this requirement for academically accelerated students	3953
who, in accordance with procedures adopted by the board, are	3954
able to demonstrate mastery of essential concepts and skills of	3955
the eighth grade American history course of study.	3956
(C) As specified in divisions (B) (6) and (C) (6) of section	3957
3313.603 of the Revised Code, except as provided in division (E)	3958
of this section, every high school shall include in the	3959
requirements for graduation from any curriculum one-half unit	3960
each of American history and government.	3961
(D) Except as provided in division (E) of this section,	3962
basic instruction or demonstrated mastery in geography, United	3963
States history, the government of the United States, the	3964
government of the state of Ohio, local government in Ohio, the	3965
Declaration of Independence, the United States Constitution, and	3966

the Constitution of the state of Ohio shall be required before 3967
pupils may participate in courses involving the study of social 3968
problems, economics, foreign affairs, United Nations, world 3969
government, socialism, and communism. 3970

(E) For each cooperative education school district 3971
established pursuant to section 3311.521 of the Revised Code and 3972
each city, exempted village, and local school district that has 3973
territory within such a cooperative district, the curriculum 3974
adopted pursuant to divisions (A) to (D) of this section shall 3975
only include the study of the subjects that apply to the grades 3976
operated by each such school district. The curriculums for such 3977
schools, when combined, shall provide to each student of these 3978
districts all of the subjects required under divisions (A) to 3979
(D) of this section. 3980

(F) The board of education of any cooperative education 3981
school district established pursuant to divisions (A) to (C) of 3982
section 3311.52 of the Revised Code shall prescribe a curriculum 3983
for the subject areas and grade levels offered in any school 3984
under its control. 3985

(G) Upon the request of any parent or legal guardian of a 3986
student, the board of education of any school district shall 3987
permit the parent or guardian to promptly examine, with respect 3988
to the parent's or guardian's own child: 3989

(1) Any survey or questionnaire, prior to its 3990
administration to the child; 3991

(2) Any textbook, workbook, software, video, or other 3992
instructional materials being used by the district in connection 3993
with the instruction of the child; 3994

(3) Any completed and graded test taken or survey or 3995

questionnaire filled out by the child;	3996
(4) Copies of the statewide academic <u>content</u> standards and	3997
each model curriculum developed pursuant to section 3301.079 of	3998
the Revised Code, which copies shall be available at all times	3999
during school hours in each district school building.	4000
Sec. 3313.603. (A) As used in this section:	4001
(1) "One unit" means a minimum of one hundred twenty hours	4002
of course instruction, except that for a laboratory course, "one	4003
unit" means a minimum of one hundred fifty hours of course	4004
instruction.	4005
(2) "One-half unit" means a minimum of sixty hours of	4006
course instruction, except that for physical education courses,	4007
"one-half unit" means a minimum of one hundred twenty hours of	4008
course instruction.	4009
(B) Beginning September 15, 2001, except as required in	4010
division (C) of this section and division (C) of section	4011
3313.614 of the Revised Code, the requirements for graduation	4012
from every high school shall include twenty units earned in	4013
grades nine through twelve and shall be distributed as follows:	4014
(1) English language arts, four units;	4015
(2) Health, one-half unit;	4016
(3) Mathematics, three units;	4017
(4) Physical education, one-half unit;	4018
(5) Science, two units until September 15, 2003, and three	4019
units thereafter, which at all times shall include both of the	4020
following:	4021
(a) Biological sciences, one unit;	4022

(b) Physical sciences, one unit.	4023
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	4024 4025 4026
(a) American history, one-half unit;	4027
(b) American government, one-half unit.	4028
(7) Social studies, two units.	4029
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	4030 4031 4032 4033 4034
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	4035 4036
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	4037 4038 4039
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	4040 4041 4042 4043 4044 4045 4046
(1) English language arts, four units;	4047
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical	4048 4049

activity for overall health;	4050
(3) Mathematics, four units, which shall include one unit	4051
of algebra II or the equivalent of algebra II. However, students	4052
who enter ninth grade for the first time on or after July 1,	4053
2015, and who are pursuing a career-technical instructional	4054
track shall not be required to take algebra II, and instead may	4055
complete a career-based pathway mathematics course approved by	4056
the department of education as an alternative.	4057
(4) Physical education, one-half unit;	4058
(5) Science, three units with inquiry-based laboratory	4059
experience that engages students in asking valid scientific	4060
questions and gathering and analyzing information, which shall	4061
include the following, or their equivalent:	4062
(a) Physical sciences, one unit;	4063
(b) Life sciences, one unit;	4064
(c) Advanced study in one or more of the following	4065
sciences, one unit:	4066
(i) Chemistry, physics, or other physical science;	4067
(ii) Advanced biology or other life science;	4068
(iii) Astronomy, physical geology, or other earth or space	4069
science.	4070
(6) History and government, one unit, which shall comply	4071
with division (M) of this section and shall include both of the	4072
following:	4073
(a) American history, one-half unit;	4074
(b) American government, one-half unit.	4075

(7) Social studies, two units. 4076

Each school shall integrate the study of economics and 4077
financial literacy, as expressed in the social studies academic 4078
content standards adopted by the state board of education under 4079
division (A) (1) of section 3301.079 of the Revised Code and the 4080
academic content standards for financial literacy and 4081
entrepreneurship adopted under division (A) (2) of that section, 4082
into one or more existing social studies credits required under 4083
division (C) (7) of this section, or into the content of another 4084
class, so that every high school student receives instruction in 4085
those concepts. In developing the curriculum required by this 4086
paragraph, schools shall use available public-private 4087
partnerships and resources and materials that exist in business, 4088
industry, and through the centers for economics education at 4089
institutions of higher education in the state. 4090

Beginning with students who enter ninth grade for the 4091
first time on or after July 1, 2017, the two units of 4092
instruction prescribed by division (C) (7) of this section shall 4093
include at least one-half unit of instruction in the study of 4094
world history and civilizations. 4095

(8) Five units consisting of one or any combination of 4096
foreign language, fine arts, business, career-technical 4097
education, family and consumer sciences, technology, 4098
agricultural education, a junior reserve officer training corps 4099
(JROTC) program approved by the congress of the United States 4100
under title 10 of the United States Code, or English language 4101
arts, mathematics, science, or social studies courses not 4102
otherwise required under division (C) of this section. 4103

Ohioans must be prepared to apply increased knowledge and 4104
skills in the workplace and to adapt their knowledge and skills 4105

quickly to meet the rapidly changing conditions of the twenty- 4106
first century. National studies indicate that all high school 4107
graduates need the same academic foundation, regardless of the 4108
opportunities they pursue after graduation. The goal of Ohio's 4109
system of elementary and secondary education is to prepare all 4110
students for and seamlessly connect all students to success in 4111
life beyond high school graduation, regardless of whether the 4112
next step is entering the workforce, beginning an 4113
apprenticeship, engaging in post-secondary training, serving in 4114
the military, or pursuing a college degree. 4115

The requirements for graduation prescribed in division (C) 4116
of this section are the standard expectation for all students 4117
entering ninth grade for the first time at a public or chartered 4118
nonpublic high school on or after July 1, 2010. A student may 4119
satisfy this expectation through a variety of methods, 4120
including, but not limited to, integrated, applied, career- 4121
technical, and traditional coursework. 4122

Whereas teacher quality is essential for student success 4123
when completing the requirements for graduation, the general 4124
assembly shall appropriate funds for strategic initiatives 4125
designed to strengthen schools' capacities to hire and retain 4126
highly qualified teachers in the subject areas required by the 4127
curriculum. Such initiatives are expected to require an 4128
investment of \$120,000,000 over five years. 4129

Stronger coordination between high schools and 4130
institutions of higher education is necessary to prepare 4131
students for more challenging academic endeavors and to lessen 4132
the need for academic remediation in college, thereby reducing 4133
the costs of higher education for Ohio's students, families, and 4134
the state. The state board and the chancellor of higher 4135

education shall develop policies to ensure that only in rare 4136
instances will students who complete the requirements for 4137
graduation prescribed in division (C) of this section require 4138
academic remediation after high school. 4139

School districts, community schools, and chartered 4140
nonpublic schools shall integrate technology into learning 4141
experiences across the curriculum in order to maximize 4142
efficiency, enhance learning, and prepare students for success 4143
in the technology-driven twenty-first century. Districts and 4144
schools shall use distance and web-based course delivery as a 4145
method of providing or augmenting all instruction required under 4146
this division, including laboratory experience in science. 4147
Districts and schools shall utilize technology access and 4148
electronic learning opportunities provided by the broadcast 4149
educational media commission, chancellor, the Ohio learning 4150
network, education technology centers, public television 4151
stations, and other public and private providers. 4152

(D) Except as provided in division (E) of this section, a 4153
student who enters ninth grade on or after July 1, 2010, and 4154
before July 1, 2016, may qualify for graduation from a public or 4155
chartered nonpublic high school even though the student has not 4156
completed the requirements for graduation prescribed in division 4157
(C) of this section if all of the following conditions are 4158
satisfied: 4159

(1) During the student's third year of attending high 4160
school, as determined by the school, the student and the 4161
student's parent, guardian, or custodian sign and file with the 4162
school a written statement asserting the parent's, guardian's, 4163
or custodian's consent to the student's graduating without 4164
completing the requirements for graduation prescribed in 4165

division (C) of this section and acknowledging that one 4166
consequence of not completing those requirements is 4167
ineligibility to enroll in most state universities in Ohio 4168
without further coursework. 4169

(2) The student and parent, guardian, or custodian fulfill 4170
any procedural requirements the school stipulates to ensure the 4171
student's and parent's, guardian's, or custodian's informed 4172
consent and to facilitate orderly filing of statements under 4173
division (D)(1) of this section. Annually, each district or 4174
school shall notify the department of the number of students who 4175
choose to qualify for graduation under division (D) of this 4176
section and the number of students who complete the student's 4177
success plan and graduate from high school. 4178

(3) The student and the student's parent, guardian, or 4179
custodian and a representative of the student's high school 4180
jointly develop a student success plan for the student in the 4181
manner described in division (C)(1) of section 3313.6020 of the 4182
Revised Code that specifies the student matriculating to a two- 4183
year degree program, acquiring a business and industry- 4184
recognized credential, or entering an apprenticeship. 4185

(4) The student's high school provides counseling and 4186
support for the student related to the plan developed under 4187
division (D)(3) of this section during the remainder of the 4188
student's high school experience. 4189

(5)(a) Except as provided in division (D)(5)(b) of this 4190
section, the student successfully completes, at a minimum, the 4191
curriculum prescribed in division (B) of this section. 4192

(b) Beginning with students who enter ninth grade for the 4193
first time on or after July 1, 2014, a student shall be required 4194

to complete successfully, at the minimum, the curriculum 4195
prescribed in division (B) of this section, except as follows: 4196

(i) Mathematics, four units, one unit which shall be one 4197
of the following: 4198

(I) Probability and statistics; 4199

(II) Computer programming; 4200

(III) Applied mathematics or quantitative reasoning; 4201

(IV) Any other course approved by the department using 4202
standards established by the superintendent not later than 4203
October 1, 2014. 4204

(ii) Elective units, five units; 4205

(iii) Science, three units as prescribed by division (B) 4206
of this section which shall include inquiry-based laboratory 4207
experience that engages students in asking valid scientific 4208
questions and gathering and analyzing information. 4209

The department, in collaboration with the chancellor, 4210
shall analyze student performance data to determine if there are 4211
mitigating factors that warrant extending the exception 4212
permitted by division (D) of this section to high school classes 4213
beyond those entering ninth grade before July 1, 2016. The 4214
department shall submit its findings and any recommendations not 4215
later than December 1, 2015, to the speaker and minority leader 4216
of the house of representatives, the president and minority 4217
leader of the senate, the chairpersons and ranking minority 4218
members of the standing committees of the house of 4219
representatives and the senate that consider education 4220
legislation, the state board of education, and the 4221
superintendent of public instruction. 4222

(E) Each school district and chartered nonpublic school 4223
retains the authority to require an even more challenging 4224
minimum curriculum for high school graduation than specified in 4225
division (B) or (C) of this section. A school district board of 4226
education, through the adoption of a resolution, or the 4227
governing authority of a chartered nonpublic school may 4228
stipulate any of the following: 4229

(1) A minimum high school curriculum that requires more 4230
than twenty units of academic credit to graduate; 4231

(2) An exception to the district's or school's minimum 4232
high school curriculum that is comparable to the exception 4233
provided in division (D) of this section but with additional 4234
requirements, which may include a requirement that the student 4235
successfully complete more than the minimum curriculum 4236
prescribed in division (B) of this section; 4237

(3) That no exception comparable to that provided in 4238
division (D) of this section is available. 4239

(F) A student enrolled in a dropout prevention and 4240
recovery program, which program has received a waiver from the 4241
department, may qualify for graduation from high school by 4242
successfully completing a competency-based instructional program 4243
administered by the dropout prevention and recovery program in 4244
lieu of completing the requirements for graduation prescribed in 4245
division (C) of this section. The department shall grant a 4246
waiver to a dropout prevention and recovery program, within 4247
sixty days after the program applies for the waiver, if the 4248
program meets all of the following conditions: 4249

(1) The program serves only students not younger than 4250
sixteen years of age and not older than twenty-one years of age. 4251

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B) (1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D) ~~(5)~~ (2) of section 3301.0712 of the Revised Code, division (B) (2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C) (1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F) (4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio

without further coursework. 4282

(7) Prior to receiving the waiver, the program has 4283
submitted to the department an instructional plan that 4284
demonstrates how the academic content standards adopted by the 4285
state board under section 3301.079 of the Revised Code will be 4286
taught and assessed. 4287

(8) Prior to receiving the waiver, the program has 4288
submitted to the department a policy on career advising that 4289
satisfies the requirements of section 3313.6020 of the Revised 4290
Code, with an emphasis on how every student will receive career 4291
advising. 4292

(9) Prior to receiving the waiver, the program has 4293
submitted to the department a written agreement outlining the 4294
future cooperation between the program and any combination of 4295
local job training, postsecondary education, nonprofit, and 4296
health and social service organizations to provide services for 4297
students in the program and their families. 4298

Divisions (F) (8) and (9) of this section apply only to 4299
waivers granted on or after July 1, 2015. 4300

If the department does not act either to grant the waiver 4301
or to reject the program application for the waiver within sixty 4302
days as required under this section, the waiver shall be 4303
considered to be granted. 4304

(G) Every high school may permit students below the ninth 4305
grade to take advanced work. If a high school so permits, it 4306
shall award high school credit for successful completion of the 4307
advanced work and shall count such advanced work toward the 4308
graduation requirements of division (B) or (C) of this section 4309
if the advanced work was both: 4310

(1) Taught by a person who possesses a license or 4311
certificate issued under section 3301.071, 3319.22, or 3319.222 4312
of the Revised Code that is valid for teaching high school; 4313

(2) Designated by the board of education of the city, 4314
local, or exempted village school district, the board of the 4315
cooperative education school district, or the governing 4316
authority of the chartered nonpublic school as meeting the high 4317
school curriculum requirements. 4318

Each high school shall record on the student's high school 4319
transcript all high school credit awarded under division (G) of 4320
this section. In addition, if the student completed a seventh- 4321
or eighth-grade fine arts course described in division (K) of 4322
this section and the course qualified for high school credit 4323
under that division, the high school shall record that course on 4324
the student's high school transcript. 4325

(H) The department shall make its individual academic 4326
career plan available through its Ohio career information system 4327
web site for districts and schools to use as a tool for 4328
communicating with and providing guidance to students and 4329
families in selecting high school courses. 4330

(I) Units earned in English language arts, mathematics, 4331
science, and social studies that are delivered through 4332
integrated academic and career-technical instruction are 4333
eligible to meet the graduation requirements of division (B) or 4334
(C) of this section. 4335

(J) (1) The state board, in consultation with the 4336
chancellor, shall adopt a statewide plan implementing methods 4337
for students to earn units of high school credit based on a 4338
demonstration of subject area competency, instead of or in 4339

combination with completing hours of classroom instruction. The 4340
state board shall adopt the plan not later than March 31, 2009, 4341
and commence phasing in the plan during the 2009-2010 school 4342
year. The plan shall include a standard method for recording 4343
demonstrated proficiency on high school transcripts. Each school 4344
district and community school shall comply with the state 4345
board's plan adopted under this division and award units of high 4346
school credit in accordance with the plan. The state board may 4347
adopt existing methods for earning high school credit based on a 4348
demonstration of subject area competency as necessary prior to 4349
the 2009-2010 school year. 4350

(2) Not later than December 31, 2015, the state board 4351
shall update the statewide plan adopted pursuant to division (J) 4352
(1) of this section to also include methods for students 4353
enrolled in seventh and eighth grade to meet curriculum 4354
requirements based on a demonstration of subject area 4355
competency, instead of or in combination with completing hours 4356
of classroom instruction. Beginning with the 2017-2018 school 4357
year, each school district and community school also shall 4358
comply with the updated plan adopted pursuant to this division 4359
and permit students enrolled in seventh and eighth grade to meet 4360
curriculum requirements based on subject area competency in 4361
accordance with the plan. 4362

(K) This division does not apply to students who qualify 4363
for graduation from high school under division (D) or (F) of 4364
this section, or to students pursuing a career-technical 4365
instructional track as determined by the school district board 4366
of education or the chartered nonpublic school's governing 4367
authority. Nevertheless, the general assembly encourages such 4368
students to consider enrolling in a fine arts course as an 4369
elective. 4370

Beginning with students who enter ninth grade for the 4371
first time on or after July 1, 2010, each student enrolled in a 4372
public or chartered nonpublic high school shall complete two 4373
semesters or the equivalent of fine arts to graduate from high 4374
school. The coursework may be completed in any of grades seven 4375
to twelve. Each student who completes a fine arts course in 4376
grade seven or eight may elect to count that course toward the 4377
five units of electives required for graduation under division 4378
(C) (8) of this section, if the course satisfied the requirements 4379
of division (G) of this section. In that case, the high school 4380
shall award the student high school credit for the course and 4381
count the course toward the five units required under division 4382
(C) (8) of this section. If the course in grade seven or eight 4383
did not satisfy the requirements of division (G) of this 4384
section, the high school shall not award the student high school 4385
credit for the course but shall count the course toward the two 4386
semesters or the equivalent of fine arts required by this 4387
division. 4388

(L) Notwithstanding anything to the contrary in this 4389
section, the board of education of each school district and the 4390
governing authority of each chartered nonpublic school may adopt 4391
a policy to excuse from the high school physical education 4392
requirement each student who, during high school, has 4393
participated in interscholastic athletics, marching band, or 4394
cheerleading for at least two full seasons or in the junior 4395
reserve officer training corps for at least two full school 4396
years. If the board or authority adopts such a policy, the board 4397
or authority shall not require the student to complete any 4398
physical education course as a condition to graduate. However, 4399
the student shall be required to complete one-half unit, 4400
consisting of at least sixty hours of instruction, in another 4401

course of study. In the case of a student who has participated 4402
in the junior reserve officer training corps for at least two 4403
full school years, credit received for that participation may be 4404
used to satisfy the requirement to complete one-half unit in 4405
another course of study. 4406

(M) It is important that high school students learn and 4407
understand United States history and the governments of both the 4408
United States and the state of Ohio. Therefore, beginning with 4409
students who enter ninth grade for the first time on or after 4410
July 1, 2012, the study of American history and American 4411
government required by divisions (B) (6) and (C) (6) of this 4412
section shall include the study of all of the following 4413
documents: 4414

(1) The Declaration of Independence; 4415

(2) The Northwest Ordinance; 4416

(3) The Constitution of the United States with emphasis on 4417
the Bill of Rights; 4418

(4) The Ohio Constitution. 4419

The study of each of the documents prescribed in divisions 4420
(M) (1) to (4) of this section shall include study of that 4421
document in its original context. 4422

The study of American history and government required by 4423
divisions (B) (6) and (C) (6) of this section shall include the 4424
historical evidence of the role of documents such as the 4425
Federalist Papers and the Anti-Federalist Papers to firmly 4426
establish the historical background leading to the establishment 4427
of the provisions of the Constitution and Bill of Rights. 4428

Sec. 3313.608. (A) (1) Beginning with students who enter 4429

third grade in the school year that starts July 1, 2009, and 4430
until June 30, 2013, unless the student is excused under 4431
division (C) of section 3301.0711 of the Revised Code from 4432
taking the assessment described in this section, for any student 4433
who does not attain at least the equivalent level of achievement 4434
designated under division (A) (3) of section 3301.0710 of the 4435
Revised Code on the assessment prescribed under that section to 4436
measure skill in English language arts expected at the end of 4437
third grade, each school district, in accordance with the policy 4438
adopted under section 3313.609 of the Revised Code, shall do ~~one~~ 4439
either of the following: 4440

(a) Promote the student to fourth grade if the student's 4441
principal and reading teacher agree that other evaluations of 4442
the student's skill in reading demonstrate that the student is 4443
academically prepared to be promoted to fourth grade; 4444

(b) Promote the student to fourth grade but provide the 4445
student with intensive intervention services in fourth grade; 4446

~~(c) Retain the student in third grade.~~ 4447

(2) Beginning with students who enter third grade in the 4448
2013-2014 school year, unless the student is excused under 4449
division (C) of section 3301.0711 of the Revised Code from 4450
taking the assessment described in this section, no school 4451
district shall promote to fourth grade any student who does not 4452
attain at least the equivalent level of achievement designated 4453
under division (A) (3) of section 3301.0710 of the Revised Code 4454
on the assessment prescribed under that section to measure skill 4455
in English language arts expected at the end of third grade, 4456
unless one of the following applies: 4457

(a) The student is a limited English proficient student 4458

who has been enrolled in United States schools for less than 4459
three full school years and has had less than three years of 4460
instruction in an English as a second language program. 4461

(b) The student is a child with a disability entitled to 4462
special education and related services under Chapter 3323. of 4463
the Revised Code and the student's individualized education 4464
program exempts the student from retention under this division. 4465

(c) The student demonstrates an acceptable level of 4466
performance on an alternative standardized reading assessment as 4467
determined by the department of education. 4468

(d) All of the following apply: 4469

(i) The student is a child with a disability entitled to 4470
special education and related services under Chapter 3323. of 4471
the Revised Code. 4472

(ii) The student has taken the third grade English 4473
language arts achievement assessment prescribed under section 4474
3301.0710 of the Revised Code. 4475

(iii) The student's individualized education program or 4476
plan under section 504 of the "Rehabilitation Act of 1973," 87 4477
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 4478
received intensive remediation in reading for two school years 4479
but still demonstrates a deficiency in reading. 4480

(iv) The student previously was retained in any of grades 4481
kindergarten to three. 4482

(e) (i) The student received intensive remediation for 4483
reading for two school years but still demonstrates a deficiency 4484
in reading and was previously retained in any of grades 4485
kindergarten to three. 4486

(ii) A student who is promoted under division (A) (2) (e) (i) 4487
of this section shall continue to receive intensive reading 4488
instruction in grade four. The instruction shall include an 4489
altered instructional day that includes specialized diagnostic 4490
information and specific research-based reading strategies for 4491
the student that have been successful in improving reading among 4492
low-performing readers. 4493

(B) (1) Beginning in the 2012-2013 school year, to assist 4494
students in meeting the third grade guarantee established by 4495
this section, each school district board of education shall 4496
adopt policies and procedures with which it annually shall 4497
assess the reading skills of each student, except those students 4498
with significant cognitive disabilities or other disabilities as 4499
authorized by the department on a case-by-case basis, enrolled 4500
in kindergarten to third grade and shall identify students who 4501
are reading below their grade level. The reading skills 4502
assessment shall be completed by the thirtieth day of September 4503
for students in grades one to three, and by the first day of 4504
November for students in kindergarten. Each district ~~shall~~may 4505
use the diagnostic assessment to measure reading ability for the 4506
appropriate grade level adopted under section 3301.079 of the 4507
Revised Code, or a comparable tool approved by the department of 4508
education, to identify such students. The policies and 4509
procedures shall require the students' classroom teachers to be 4510
involved in the assessment and the identification of students 4511
reading below grade level. The assessment may be administered 4512
electronically using live, two-way video and audio connections 4513
whereby the teacher administering the assessment may be in a 4514
separate location from the student. 4515

(2) For each student identified by the diagnostic 4516
assessment prescribed under this section as having reading 4517

skills below grade level, the district shall do both of the 4518
following: 4519

(a) Provide to the student's parent or guardian, in 4520
writing, all of the following: 4521

(i) Notification that the student has been identified as 4522
having a substantial deficiency in reading; 4523

(ii) A description of the current services that are 4524
provided to the student; 4525

(iii) A description of the proposed supplemental 4526
instructional services and supports that will be provided to the 4527
student that are designed to remediate the identified areas of 4528
reading deficiency; 4529

~~(iv) Notification that if the student attains a score in 4530
the range designated under division (A) (3) of section 3301.0710 4531
of the Revised Code on the assessment prescribed under that 4532
section to measure skill in English language arts expected at 4533
the end of third grade, the student shall be retained unless the 4534
student is exempt under division (A) of this section. The 4535
notification shall specify that the assessment under section 4536
3301.0710 of the Revised Code is not the sole determinant of 4537
promotion and that additional evaluations and assessments are 4538
available to the student to assist parents and the district in 4539
knowing when a student is reading at or above grade level and 4540
ready for promotion. 4541~~

(b) Provide intensive reading instruction services and 4542
regular diagnostic assessments to the student immediately 4543
following identification of a reading deficiency until the 4544
development of the reading improvement and monitoring plan 4545
required by division (C) of this section. These intervention 4546

services shall include research-based reading strategies that 4547
have been shown to be successful in improving reading among low- 4548
performing readers and instruction targeted at the student's 4549
identified reading deficiencies. 4550

~~(3) For each student retained under division (A) of this~~ 4551
~~section, the A district shall may do all of the following:~~ 4552

(a) Provide intense remediation services until the student 4553
is able to read at grade level. The remediation services shall 4554
include intensive interventions in reading that address the 4555
areas of deficiencies identified under this section including, 4556
but not limited to, not less than ninety minutes of reading 4557
instruction per day, and may include any of the following: 4558

(i) Small group instruction; 4559

(ii) Reduced teacher-student ratios; 4560

(iii) More frequent progress monitoring; 4561

(iv) Tutoring or mentoring; 4562

(v) Transition classes containing third and fourth grade 4563
students; 4564

(vi) Extended school day, week, or year; 4565

(vii) Summer reading camps. 4566

~~(b) Establish a policy for the mid year promotion of a~~ 4567
~~student retained under division (A) of this section who~~ 4568
~~demonstrates that the student is reading at or above grade~~ 4569
~~level;—~~ 4570

~~(c)~~ Provide each student with a teacher who satisfies one 4571
or more of the criteria set forth in division (H) of this 4572
section. 4573

The district shall offer the option for students to 4574
receive applicable services from one or more providers other 4575
than the district. Providers shall be screened and approved by 4576
the district or the department of education. ~~If the student~~ 4577
~~participates in the remediation services and demonstrates~~ 4578
~~reading proficiency in accordance with standards adopted by the~~ 4579
~~department prior to the start of fourth grade, the district~~ 4580
~~shall promote the student to that grade.~~ 4581

~~(4) For each student retained under division (A) of this~~ 4582
~~section who has demonstrated proficiency in a specific academic~~ 4583
~~ability field, each district shall provide instruction~~ 4584
~~commensurate with student achievement levels in that specific~~ 4585
~~academic ability field.~~ 4586

As used in this division, "specific academic ability 4587
field" has the same meaning as in section 3324.01 of the Revised 4588
Code. 4589

(C) For each student required to be provided intervention 4590
services under this section, the district shall develop a 4591
reading improvement and monitoring plan within sixty days after 4592
receiving the student's results on ~~the a~~ diagnostic assessment 4593
or comparable tool administered under division (B) (1) of this 4594
section. The district shall involve the student's parent or 4595
guardian and classroom teacher in developing the plan. The plan 4596
shall include all of the following: 4597

(1) Identification of the student's specific reading 4598
deficiencies; 4599

(2) A description of the additional instructional services 4600
and support that will be provided to the student to remediate 4601
the identified reading deficiencies; 4602

(3) Opportunities for the student's parent or guardian to 4603
be involved in the instructional services and support described 4604
in division (C) (2) of this section; 4605

(4) A process for monitoring the extent to which the 4606
student receives the instructional services and support 4607
described in division (C) (2) of this section; 4608

(5) A reading curriculum during regular school hours that 4609
does all of the following: 4610

(a) Assists students to read at grade level; 4611

(b) Provides scientifically based and reliable assessment; 4612

(c) Provides initial and ongoing analysis of each 4613
student's reading progress. 4614

~~(6) A statement that if the student does not attain at 4615
least the equivalent level of achievement designated under 4616
division (A) (3) of section 3301.0710 of the Revised Code on the 4617
assessment prescribed under that section to measure skill in 4618
English language arts expected by the end of third grade, the 4619
student may be retained in third grade. 4620~~

Each student with a reading improvement and monitoring 4621
plan under this division who enters third grade after July 1, 4622
2013, shall be assigned to a teacher who satisfies one or more 4623
of the criteria set forth in division (H) of this section. 4624

The district shall report any information requested by the 4625
department about the reading improvement monitoring plans 4626
developed under this division in the manner required by the 4627
department. 4628

(D) Each school district shall report annually to the 4629
department on its implementation and compliance with this 4630

section using guidelines prescribed by the superintendent of 4631
public instruction. The superintendent of public instruction 4632
annually shall report to the governor and general assembly the 4633
number and percentage of students in grades kindergarten through 4634
four reading below grade level based on the diagnostic 4635
assessments that may be administered under division (B) of this 4636
section and the achievement assessments administered under 4637
divisions (A) (1) (a) and (b) of section 3301.0710 of the Revised 4638
Code in English language arts, aggregated by school district and 4639
building; the types of intervention services provided to 4640
students; and, if available, an evaluation of the efficacy of 4641
the intervention services provided. 4642

(E) Any summer remediation services funded in whole or in 4643
part by the state and offered by school districts to students 4644
under this section shall meet the following conditions: 4645

(1) The remediation methods are based on reliable 4646
educational research. 4647

(2) The school districts conduct assessment before and 4648
after students participate in the program to facilitate 4649
monitoring results of the remediation services. 4650

(3) The parents of participating students are involved in 4651
programming decisions. 4652

(F) Any intervention or remediation services required by 4653
this section shall include intensive, explicit, and systematic 4654
instruction. 4655

(G) This section does not create a new cause of action or 4656
a substantive legal right for any person. 4657

(H) (1) Except as provided under divisions (H) (2), (3), and 4658
(4) of this section, each student described in division (B) (3) 4659

or (C) of this section who enters third grade for the first time 4660
on or after July 1, 2013, shall be assigned a teacher who has at 4661
least one year of teaching experience and who satisfies one or 4662
more of the following criteria: 4663

(a) The teacher holds a reading endorsement on the 4664
teacher's license and has attained a passing score on the 4665
corresponding assessment for that endorsement, as applicable. 4666

(b) The teacher has completed a master's degree program 4667
with a major in reading. 4668

(c) The teacher was rated "most effective" for reading 4669
instruction consecutively for the most recent two years based on 4670
assessments of student growth measures developed by a vendor and 4671
that is on the list of student assessments approved by the state 4672
board under division (B) (2) of former section 3319.112 of the 4673
Revised Code or used by the school district for the purpose of 4674
teacher evaluations. 4675

(d) The teacher was rated "above expected value added," in 4676
reading instruction, as determined by criteria established by 4677
the department, for the most recent, consecutive two years. 4678

(e) The teacher has earned a passing score on a rigorous 4679
test of principles of scientifically research-based reading 4680
instruction as approved by the state board. 4681

(f) The teacher holds an educator license for teaching 4682
grades pre-kindergarten through three or four through nine 4683
issued on or after July 1, 2017. 4684

(2) Notwithstanding division (H) (1) of this section, a 4685
student described in division (B) (3) or (C) of this section who 4686
enters third grade for the first time on or after July 1, 2013, 4687
may be assigned to a teacher with less than one year of teaching 4688

experience provided that the teacher meets one or more of the 4689
criteria described in divisions (H) (1) (a) to (f) of this section 4690
and that teacher is assigned a teacher mentor who meets the 4691
qualifications of division (H) (1) of this section. 4692

(3) Notwithstanding division (H) (1) of this section, a 4693
student described in division (B) (3) or (C) of this section who 4694
enters third grade for the first time on or after July 1, 2013, 4695
but prior to July 1, 2016, may be assigned to a teacher who 4696
holds an alternative credential approved by the department or 4697
who has successfully completed training that is based on 4698
principles of scientifically research-based reading instruction 4699
that has been approved by the department. Beginning on July 1, 4700
2014, the alternative credentials and training described in 4701
division (H) (3) of this section shall be aligned with the 4702
reading competencies adopted by the state board of education 4703
under section 3301.077 of the Revised Code. 4704

(4) Notwithstanding division (H) (1) of this section, a 4705
student described in division (B) (3) or (C) of this section who 4706
enters third grade for the first time on or after July 1, 2013, 4707
may receive reading intervention or remediation services under 4708
this section from an individual employed as a speech-language 4709
pathologist who holds a license issued by the board of speech- 4710
language pathology and audiology under Chapter 4753. of the 4711
Revised Code and a professional pupil services license as a 4712
school speech-language pathologist issued by the state board of 4713
education. 4714

(5) A teacher, other than a student's teacher of record, 4715
may provide any services required under this section, so long as 4716
that other teacher meets the requirements of division (H) of 4717
this section and the teacher of record and the school principal 4718

agree to the assignment. Any such assignment shall be documented 4719
in the student's reading improvement and monitoring plan. 4720

As used in this division, "teacher of record" means the 4721
classroom teacher to whom a student is assigned. 4722

(I) Notwithstanding division (H) of this section, a 4723
teacher may teach reading to any student who is an English 4724
language learner, and has been in the United States for three 4725
years or less, or to a student who has an individualized 4726
education program developed under Chapter 3323. of the Revised 4727
Code if that teacher holds an alternative credential approved by 4728
the department or has successfully completed training that is 4729
based on principles of scientifically research-based reading 4730
instruction that has been approved by the department. Beginning 4731
on July 1, 2014, the alternative credentials and training 4732
described in this division shall be aligned with the reading 4733
competencies adopted by the state board of education under 4734
section 3301.077 of the Revised Code. 4735

(J) If, on or after June 4, 2013, a school district or 4736
community school cannot furnish the number of teachers needed 4737
who satisfy one or more of the criteria set forth in division 4738
(H) of this section for the 2013-2014 school year, the school 4739
district or community school shall develop and submit a staffing 4740
plan by June 30, 2013. The staffing plan shall include criteria 4741
that will be used to assign a student described in division (B) 4742
(3) or (C) of this section to a teacher, credentials or training 4743
held by teachers currently teaching at the school, and how the 4744
school district or community school will meet the requirements 4745
of this section. The school district or community school shall 4746
post the staffing plan on its web site for the applicable school 4747
year. 4748

Not later than March 1, 2014, and on the first day of 4749
March in each year thereafter, a school district or community 4750
school that has submitted a plan under this division shall 4751
submit to the department a detailed report of the progress the 4752
district or school has made in meeting the requirements under 4753
this section. 4754

A school district or community school may request an 4755
extension of a staffing plan beyond the 2013-2014 school year. 4756
Extension requests must be submitted to the department not later 4757
than the thirtieth day of April prior to the start of the 4758
applicable school year. The department may grant extensions 4759
valid through the 2015-2016 school year. 4760

Until June 30, 2015, the department annually shall review 4761
all staffing plans and report to the state board not later than 4762
the thirtieth day of June of each year the progress of school 4763
districts and community schools in meeting the requirements of 4764
this section. 4765

(K) The department of education shall designate one or 4766
more staff members to provide guidance and assistance to school 4767
districts and community schools in implementing the third grade 4768
guarantee established by this section, including any standards 4769
or requirements adopted to implement the guarantee and to 4770
provide information and support for reading instruction and 4771
achievement. 4772

Sec. 3313.6017. Nothing in ~~this act~~ Am. Sub. S.B. 165 of 4773
the 129th general assembly shall be construed to limit the 4774
ability of a school district or public or nonpublic school to 4775
offer academic content based on the standards adopted under 4776
division (A) (1) ~~(b)~~ (a) of section 3301.079 of the Revised Code 4777
and the academic content required under division (M) of section 4778

3313.603 of the Revised Code through summer school, online, or 4779
any other method of education offered by the district or school. 4780

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 4781
year, the board of education of each city, local, exempted 4782
village, and joint vocational school district ~~shall~~may adopt a 4783
policy on career advising that complies with this section. 4784
~~Thereafter, the policy~~A district that adopts a policy shall be
~~updated~~update its policy at least once every two years. 4785
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(2) The board shall make the policy publicly available to 4787
students, parents, guardians, or custodians, local post- 4788
secondary institutions, and residents of the district. The 4789
district shall post the policy in a prominent location on its 4790
web site, if it has one. 4791

(B) The policy on career advising shall specify how the 4792
district will do all of the following: 4793

(1) Provide students with grade-level examples that link 4794
their schoolwork to one or more career fields. A district may 4795
use career connections developed under former division (B) (2) of 4796
section 3301.079 of the Revised Code for this purpose. 4797

(2) Create a plan to provide career advising to students 4798
in grades six through twelve; 4799

(3) Beginning in the 2015-2016 school year, provide 4800
additional interventions and career advising for students who 4801
are identified as at risk of dropping out of school in 4802
accordance with division (C) of this section; 4803

(4) Train its employees on how to advise students on 4804
career pathways, including training on advising students using 4805
online tools; 4806

~~(5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma;~~ 4807
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~~(6)~~ Identify and publicize courses that can award students both traditional academic and career-technical credit; 4810
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~~(7)~~ (6) Document the career advising provided to each student for review by the student, the student's parent, guardian, or custodian, and future schools that the student may attend. A district shall not otherwise release this information without the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old. 4812
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~~(8)~~ (7) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts. 4820
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(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway. 4824
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(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, 4834
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guardian, or custodian to assist in developing the plan. If the 4836
student's parent, guardian, or custodian does not participate in 4837
the development of the plan, the district shall provide to the 4838
parent, guardian, or custodian a copy of the student's success 4839
plan and a statement of the importance of a high school diploma 4840
~~and the academic pathways available to the student in order to~~ 4841
~~successfully graduate.~~ 4842

(3) Following the development of a student success plan 4843
for a student, the district shall provide career advising to the 4844
student that is aligned with the plan and, beginning in the 4845
2015-2016 school year, the district's plan to provide career 4846
advising created under division (B) (2) of this section. 4847

(D) (1) Not later than December 1, 2014, the department of 4848
education shall develop and post on its web site model policies 4849
on career advising and model student success plans. 4850

(2) Not later than July 1, 2015, the department shall 4851
create an online clearinghouse of research related to proven 4852
practices for policies on career advising and student success 4853
plans that districts may access when fulfilling the requirements 4854
of this section. 4855

Sec. 3313.61. (A) A diploma shall be granted by the board 4856
of education of any city, exempted village, or local school 4857
district that operates a high school to any person to whom ~~all~~ 4858
both of the following apply: 4859

(1) The person has successfully completed the curriculum 4860
in any high school or the individualized education program 4861
developed for the person by any high school pursuant to section 4862
3323.08 of the Revised Code, or has qualified under division (D) 4863
or (F) of section 3313.603 of the Revised Code, provided that no 4864

school district shall require a student to remain in school for 4865
any specific number of semesters or other terms if the student 4866
completes the required curriculum early; 4867

~~(2) Subject to section 3313.614 of the Revised Code, the 4868
person has met the assessment requirements of division (A)(2)(a) 4869
or (b) of this section, as applicable. 4870~~

~~(a) If the person entered the ninth grade prior to July 1, 4871
2014, the person either: 4872~~

~~(i) Has attained at least the applicable scores designated 4873
under division (B)(1) of section 3301.0710 of the Revised Code 4874
on all the assessments required by that division unless the 4875
person was excused from taking any such assessment pursuant to 4876
section 3313.532 of the Revised Code or unless division (H) or 4877
(L) of this section applies to the person; 4878~~

~~(ii) Has satisfied the alternative conditions prescribed 4879
in section 3313.615 of the Revised Code. 4880~~

~~(b) If the person entered the ninth grade on or after July 4881
1, 2014, the person has met the requirement prescribed by 4882
section 3313.618 of the Revised Code, except to the extent that 4883
the person is excused from an assessment prescribed by that 4884
section pursuant to section 3313.532 of the Revised Code or 4885
division (H) or (L) of this section. 4886~~

~~(3) The person is not eligible to receive an honors 4887
diploma granted pursuant to division (B) of this section. 4888~~

Except as provided in divisions (C), (E), and (J), ~~and (L)~~ 4889
of this section, no diploma shall be granted under this division 4890
to anyone except as provided under this division. 4891

(B) In lieu of a diploma granted under division (A) of 4892

this section, an honors diploma shall be granted, in accordance 4893
with rules of the state board, by any such district board to 4894
anyone who accomplishes ~~all~~ both of the following: 4895

(1) Successfully completes the curriculum in any high 4896
school or the individualized education program developed for the 4897
person by any high school pursuant to section 3323.08 of the 4898
Revised Code; 4899

~~(2) Subject to section 3313.614 of the Revised Code, has 4900
met the assessment requirements of division (B) (2) (a) or (b) of 4901
this section, as applicable. 4902~~

~~(a) If the person entered the ninth grade prior to July 1, 4903
2014, the person either: 4904~~

~~(i) Has attained at least the applicable scores designated 4905
under division (B) (1) of section 3301.0710 of the Revised Code 4906
on all the assessments required by that division; 4907~~

~~(ii) Has satisfied the alternative conditions prescribed 4908
in section 3313.615 of the Revised Code. 4909~~

~~(b) If the person entered the ninth grade on or after July 4910
1, 2014, the person has met the requirement prescribed under 4911
section 3313.618 of the Revised Code. 4912~~

~~(3) Has met additional criteria established by the state 4913
board for the granting of such a diploma. 4914~~

An honors diploma shall not be granted to a student who is 4915
subject to the requirements prescribed in division (C) of 4916
section 3313.603 of the Revised Code but elects the option of 4917
division (D) or (F) of that section. Except as provided in 4918
divisions (C), (E), and (J) of this section, no honors diploma 4919
shall be granted to anyone failing to comply with this division 4920

and no more than one honors diploma shall be granted to any 4921
student under this division. 4922

The state board shall adopt rules prescribing the granting 4923
of honors diplomas under this division. These rules may 4924
prescribe the granting of honors diplomas that recognize a 4925
student's achievement as a whole or that recognize a student's 4926
achievement in one or more specific subjects or both. The rules 4927
may prescribe the granting of an honors diploma recognizing 4928
technical expertise for a career-technical student. In any case, 4929
the rules shall designate two or more criteria for the granting 4930
of each type of honors diploma the board establishes under this 4931
division and the number of such criteria that must be met for 4932
the granting of that type of diploma. The number of such 4933
criteria for any type of honors diploma shall be at least one 4934
less than the total number of criteria designated for that type 4935
and no one or more particular criteria shall be required of all 4936
persons who are to be granted that type of diploma. 4937

(C) Any district board administering any of the 4938
assessments required by section 3301.0710 of the Revised Code to 4939
any person requesting to take such assessment pursuant to 4940
division (B) (8) (b) of section 3301.0711 of the Revised Code 4941
shall award a diploma to such person if the person attains at 4942
least the applicable scores designated under division (B) (1) of 4943
section 3301.0710 of the Revised Code on all the assessments 4944
administered and if the person has previously attained the 4945
applicable scores on all the other assessments required by 4946
division (B) (1) of that section or has been exempted or excused 4947
from attaining the applicable score on any such assessment 4948
pursuant to division (H) or (L) of this section or from taking 4949
any such assessment pursuant to section 3313.532 of the Revised 4950
Code. 4951

(D) Each diploma awarded under this section shall be 4952
signed by the president and treasurer of the issuing board, the 4953
superintendent of schools, and the principal of the high school. 4954
Each diploma shall bear the date of its issue, be in such form 4955
as the district board prescribes, and be paid for out of the 4956
district's general fund. 4957

(E) A person who is a resident of Ohio and is eligible 4958
under state board of education minimum standards to receive a 4959
high school diploma based in whole or in part on credits earned 4960
while an inmate of a correctional institution operated by the 4961
state or any political subdivision thereof, shall be granted 4962
such diploma by the correctional institution operating the 4963
programs in which such credits were earned, and by the board of 4964
education of the school district in which the inmate resided 4965
immediately prior to the inmate's placement in the institution. 4966
The diploma granted by the correctional institution shall be 4967
signed by the director of the institution, and by the person 4968
serving as principal of the institution's high school and shall 4969
bear the date of issue. 4970

(F) Persons who are not residents of Ohio but who are 4971
inmates of correctional institutions operated by the state or 4972
any political subdivision thereof, and who are eligible under 4973
state board of education minimum standards to receive a high 4974
school diploma based in whole or in part on credits earned while 4975
an inmate of the correctional institution, shall be granted a 4976
diploma by the correctional institution offering the program in 4977
which the credits were earned. The diploma granted by the 4978
correctional institution shall be signed by the director of the 4979
institution and by the person serving as principal of the 4980
institution's high school and shall bear the date of issue. 4981

(G) The state board of education shall provide by rule for the administration of the assessments required by sections 3301.0710 and 3301.0712 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B) (1) of section 3301.0710 of the Revised Code, ~~any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D) (3) of section 3301.0712 of the Revised Code,~~ or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code

that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "limited English proficient student" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not ~~either~~ attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, ~~or met the requirement prescribed by section 3313.618 of the Revised Code,~~ shall be awarded a diploma under this section.

~~(L) Any student described by division (A) (1) of this section may be awarded a diploma without meeting the requirement prescribed by section 3313.618 of the Revised Code provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C) (1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.~~

Sec. 3313.611. (A) The state board of education shall 5041
adopt, by rule, standards for awarding high school credit 5042
equivalent to credit for completion of high school academic and 5043
vocational education courses to applicants for diplomas under 5044
this section. The standards may permit high school credit to be 5045
granted to an applicant for any of the following: 5046

(1) Work experiences or experiences as a volunteer; 5047

(2) Completion of academic, vocational, or self- 5048
improvement courses offered to persons over the age of twenty- 5049
one by a chartered public or nonpublic school; 5050

(3) Completion of academic, vocational, or self- 5051
improvement courses offered by an organization, individual, or 5052
educational institution other than a chartered public or 5053
nonpublic school; 5054

(4) Other life experiences considered by the board to 5055
provide knowledge and learning experiences comparable to that 5056
gained in a classroom setting. 5057

(B) The board of education of any city, exempted village, 5058
or local school district that operates a high school shall grant 5059
a diploma of adult education to any applicant if all of the 5060
following apply: 5061

(1) The applicant is a resident of the district; 5062

(2) The applicant is over the age of twenty-one and has 5063
not been issued a diploma as provided in section 3313.61 of the 5064
Revised Code; 5065

(3) ~~Subject to section 3313.614 of the Revised Code, the~~ 5066
~~applicant has met the assessment requirements of division (B)(3)~~ 5067
~~(a) or (b) of this section, as applicable.~~ 5068

~~(a) Prior to July 1, 2014, the applicant either:~~ 5069

~~(i) Has attained the applicable scores designated under~~ 5070
~~division (B) (1) of section 3301.0710 of the Revised Code on all~~ 5071
~~of the assessments required by that division or was excused or~~ 5072
~~exempted from any such assessment pursuant to section 3313.532~~ 5073
~~or was exempted from attaining the applicable score on any such~~ 5074
~~assessment pursuant to division (H) or (L) of section 3313.61 of~~ 5075
~~the Revised Code;~~ 5076

~~(ii) Has satisfied the alternative conditions prescribed~~ 5077
~~in section 3313.615 of the Revised Code.~~ 5078

~~(b) On or after July 1, 2014, has met the requirement~~ 5079
~~prescribed by section 3313.618 of the Revised Code, except and~~ 5080
~~only to the extent that the applicant is excused from some~~ 5081
~~portion of that section pursuant to section 3313.532 of the~~ 5082
~~Revised Code or division (H) or (L) of section 3313.61 of the~~ 5083
~~Revised Code.~~ 5084

~~(4) The district board determines, in accordance with the~~ 5085
~~standards adopted under division (A) of this section, that the~~ 5086
~~applicant has attained sufficient high school credits, including~~ 5087
~~equivalent credits awarded under such standards, to qualify as~~ 5088
~~having successfully completed the curriculum required by the~~ 5089
~~district for graduation.~~ 5090

(C) If a district board determines that an applicant is 5091
not eligible for a diploma under division (B) of this section, 5092
it shall inform the applicant of the reason the applicant is 5093
ineligible and shall provide a list of any courses required for 5094
the diploma for which the applicant has not received credit. An 5095
applicant may reapply for a diploma under this section at any 5096
time. 5097

(D) If a district board awards an adult education diploma 5098
under this section, the president and treasurer of the board and 5099
the superintendent of schools shall sign it. Each diploma shall 5100
bear the date of its issuance, be in such form as the district 5101
board prescribes, and be paid for from the district's general 5102
fund, except that the state board may by rule prescribe standard 5103
language to be included on each diploma. 5104

(E) As used in this division, "limited English proficient 5105
student" has the same meaning as in division (C) (3) of section 5106
3301.0711 of the Revised Code. 5107

Notwithstanding division (C) (3) of section 3301.0711 of 5108
the Revised Code, no limited English proficient student who has 5109
not ~~either~~ attained the applicable scores designated under 5110
division (B) (1) of section 3301.0710 of the Revised Code on all 5111
the assessments required by that division, ~~or has not met the~~ 5112
~~requirement prescribed by section 3313.618 of the Revised Code,~~ 5113
shall be awarded a diploma under this section. 5114

Sec. 3313.612. (A) No nonpublic school chartered by the 5115
state board of education shall grant a high school diploma to 5116
any person unless, ~~subject to section 3313.614 of the Revised~~ 5117
~~Code,~~ the person has met the ~~assessment~~ requirements of ~~division~~ 5118
~~(A) (1) or (2) of this section,~~ as applicable 3313.603 of the 5119
Revised Code. 5120

~~(1) If the person entered the ninth grade prior to July 1,~~ 5121
~~2014, the person has attained at least the applicable scores~~ 5122
~~designated under division (B) (1) of section 3301.0710 of the~~ 5123
~~Revised Code on all the assessments required by that division,~~ 5124
~~or has satisfied the alternative conditions prescribed in~~ 5125
~~section 3313.615 of the Revised Code.~~ 5126

~~(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.~~ 5127
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~~(B) This section does not apply to any of the following:~~ 5130

~~(1) Any person with regard to any assessment from which the person was excused pursuant to division (C) (1) (c) of section 3301.0711 of the Revised Code;~~ 5131
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~~(2) Any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.~~ 5134
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~~(3) Any person with regard to the social studies assessment under division (B) (1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D) (3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:~~ 5139
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~~(a) The person is not a citizen of the United States;~~ 5149

~~(b) The person is not a permanent resident of the United States;~~ 5150
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~~(c) The person indicates no intention to reside in the United States after completion of high school.~~ 5152
5153

~~(C) As used in this division, "limited English proficient"~~ 5154

~~student" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.~~ 5155
5156

~~Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.~~ 5157
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~~(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.~~ 5164
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~~(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B) (1) of section 3301.0712 of the Revised Code.~~ 5168
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Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time one of the following conditions is satisfied: 5171
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(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution. 5174
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(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code. 5177
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(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district. 5180
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~~(B) This division specifies the assessment requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.~~ 5184
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~~(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.~~ 5188
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~~(2) A person who began ninth grade for the first time prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B) (1) of section 3301.0710 or any assessment prescribed under division (B) (2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same subject shall be deemed to have passed the ninth grade proficiency test in that subject as a condition to receiving a diploma. For this purpose, the ninth grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person began ninth grade prior to July 1, 2003, but does not pass a ninth grade proficiency test or the Ohio graduation test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person must pass the Ohio graduation test instead of the ninth grade proficiency test in that subject to receive a diploma.~~ 5192
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~~(3) (a) Except as provided in division (B) (3) (b) of this~~ 5213

~~section, a person who begins ninth grade for the first time on- 5214
or after July 1, 2003, in a school district, community school, 5215
or chartered nonpublic school is not eligible to receive a 5216
diploma based on passage of ninth grade proficiency tests. Each 5217
such person who begins ninth grade prior to July 1, 2014, must 5218
pass Ohio graduation tests to meet the assessment requirements 5219
applicable to that person as a condition to receiving a diploma 5220
or satisfy one of the conditions prescribed in division (B) (3) 5221
(b) of this section. 5222~~

~~(b) A person who began ninth grade for the first time 5223
prior to July 1, 2014, shall be eligible to receive a diploma if 5224
the person meets the requirement prescribed by section 3313.618 5225
or 3313.619 of the Revised Code. 5226~~

~~(c) A person who began ninth grade for the first time 5227
prior to July 1, 2014, and who has not attained at least the 5228
applicable scores designated under division (B) (1) of section 5229
3301.0710 of the Revised Code on all the assessments required by 5230
that division shall be eligible to receive a diploma if the 5231
person meets the requirement prescribed by rule of the state 5232
board of education as prescribed under division (B) (3) (d) of 5233
this section. 5234~~

~~(d) Not later than December 31, 2015, the state board of 5235
education shall adopt rules prescribing the manner in which a 5236
person who began ninth grade for the first time prior to July 1, 5237
2014, may be eligible for a high school diploma by combining the 5238
requirement prescribed by section 3313.618 or 3313.619 of the 5239
Revised Code and the requirement to attain at least the 5240
applicable scores designated under division (B) (1) of section 5241
3301.0710 of the Revised Code on the assessments required by 5242
that division. The rules shall ensure that the combined 5243~~

~~requirements require a demonstration of mastery that is 5244
equivalent or greater to the expectations of the assessments 5245
prescribed by division (B) (1) of section 3301.0710 of the 5246
Revised Code. The rules shall include the following: 5247~~

~~(i) The date by which a person who began ninth grade for 5248
the first time prior to July 1, 2014, may be eligible for a high 5249
school diploma under division (B) (3) (c) of this section; 5250~~

~~(ii) Methods of replacing individual assessments 5251
prescribed by division (B) (1) of section 3301.0710 of the 5252
Revised Code; 5253~~

~~(iii) Methods of integrating the pathways prescribed by 5254
division (A) of section 3313.618 or section 3313.619 of the 5255
Revised Code. 5256~~

~~(4) Except as provided in division (B) (3) (b) of this 5257
section, a person who begins ninth grade on or after July 1, 5258
2014, is not eligible to receive a diploma based on passage of 5259
the Ohio graduation tests. Each such person must meet the 5260
requirement prescribed by section 3313.618 or 3313.619 of the 5261
Revised Code. 5262~~

~~(C) This division specifies the curriculum requirement 5263
that shall be completed as a condition toward granting high 5264
school diplomas under sections 3313.61, 3313.611, 3313.612, and 5265
3325.08 of the Revised Code. 5266~~

(1) A person who is under twenty-two years of age when the 5267
person fulfills the curriculum requirement for a diploma shall 5268
complete the curriculum required by the school district or 5269
school issuing the diploma for the first year that the person 5270
originally enrolled in high school, except for a person who 5271
qualifies for graduation from high school under either division 5272

(D) or (F) of section 3313.603 of the Revised Code. 5273

(2) Once a person fulfills the curriculum requirement for 5274
a diploma, the person is never required, as a condition of 5275
receiving a diploma, to meet any different curriculum 5276
requirements that take effect pending the person's passage of 5277
proficiency tests or achievement tests or assessments, including 5278
changes mandated by section 3313.603 of the Revised Code, the 5279
state board, a school district board of education, or a 5280
governing authority of a community school or chartered nonpublic 5281
school. 5282

Sec. 3313.619. (A) ~~In lieu of the requirement prescribed~~ 5283
~~by section 3313.618 of the Revised Code~~ accordance with division 5284
(L) of section 3301.0711 of the Revised Code, a chartered 5285
nonpublic school may ~~grant a high school diploma to a student~~ 5286
~~who attains at least the designated score on~~ administer an 5287
assessment approved by the department of education under 5288
division (B) of this section and selected by the school's 5289
governing authority in lieu of administering the assessment 5290
prescribed under division (L) of section 3301.0711 of the 5291
Revised Code. 5292

(B) For purposes of division (A) of this section, the 5293
department shall approve assessments that meet the conditions 5294
specified under division (C) of this section ~~and shall designate~~ 5295
~~passing scores for each of those assessments.~~ 5296

(C) Each assessment approved under division (B) of this 5297
section shall be nationally norm-referenced, have internal 5298
consistency reliability coefficients of at least "0.8," be 5299
standardized, have specific evidence of content, concurrent, or 5300
criterion validity, have evidence of norming studies in the 5301
previous ten years, have a measure of student achievement in 5302

core academic areas, and have high validity evidenced by the 5303
alignment of the assessment with nationally recognized content. 5304

~~(D) Nothing in this section shall prohibit a chartered 5305
nonpublic school from granting a high school diploma to a 5306
student if the student satisfies the requirement prescribed by 5307
section 3313.618 of the Revised Code. 5308~~

Sec. 3313.902. (A) As used in this section: 5309

(1) "Approved industry credential or certificate" means a 5310
credential or certificate that is approved by the chancellor of 5311
higher education. 5312

(2) "Approved institution" means an eligible institution 5313
that has been approved to participate in the adult diploma pilot 5314
program under this section. 5315

(3) "Approved program of study" means a program of study 5316
offered by an approved institution that satisfies the 5317
requirements of division (B) of this section. 5318

(4) An eligible student's "career pathway training program 5319
amount" means the following: 5320

(a) If the student is enrolled in a tier one career 5321
pathway training program, \$4,800; 5322

(b) If the student is enrolled in a tier two career 5323
pathway training program, \$3,200; 5324

(c) If the student is enrolled in a tier three career 5325
pathway training program, \$1,600. 5326

(5) "Eligible institution" means any of the following: 5327

(a) A community college established under Chapter 3354. of 5328
the Revised Code; 5329

- (b) A technical college established under Chapter 3357. of the Revised Code; 5330
5331
- (c) A state community college established under Chapter 3358. of the Revised Code; 5332
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- (d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education. 5334
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- (6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code. 5336
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- (7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education. 5340
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- (8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department. 5344
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- (9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department. 5348
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- (10) An eligible student's "work readiness training amount" means the following: 5352
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- (a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500. 5354
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(b) If the student's grade level upon initial enrollment 5358
in an approved program of study at an approved institution is at 5359
or above the ninth grade, as determined in accordance with rules 5360
adopted under division (E) of this section, \$750. 5361

(B) The adult diploma pilot program is hereby established 5362
to permit an eligible institution to obtain approval from the 5363
superintendent of public instruction and the chancellor to 5364
develop and offer a program of study that allows an eligible 5365
student to obtain a high school diploma. A program shall be 5366
eligible for this approval if it satisfies all of the following 5367
requirements: 5368

(1) The program allows an eligible student to complete the 5369
requirements for obtaining a high school diploma that are 5370
specified in rules adopted by the superintendent under division 5371
(E) of this section while also completing requirements for an 5372
approved industry credential or certificate. 5373

(2) The program includes career advising and outreach. 5374

(3) The program includes opportunities for students to 5375
receive a competency-based education. 5376

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 5377
3313.614, ~~3313.618~~, and 3313.319 of the Revised Code, the state 5378
board of education shall grant a high school diploma to each 5379
eligible student who enrolls in an approved program of study at 5380
an approved institution and completes the requirements for 5381
obtaining a high school diploma that are specified in rules 5382
adopted by the superintendent under division (E) of this 5383
section. 5384

(D) (1) The department shall calculate the following amount 5385
for each eligible student enrolled in each approved 5386

institution's approved program of study: 5387

(The student's career pathway training program amount + 5388
the student's work readiness training amount) X 1.2 5389

(2) The department shall pay the amount calculated for an 5390
eligible student under division (D)(1) of this section to the 5391
approved institution in which the student is enrolled in the 5392
following manner: 5393

(a) Twenty-five per cent of the amount calculated under 5394
division (D)(1) of this section shall be paid to the approved 5395
institution after the student successfully completes the first 5396
third of the approved program of study, as determined by the 5397
department; 5398

(b) Twenty-five per cent of the amount calculated under 5399
division (D)(1) of this section shall be paid to the approved 5400
institution after the student successfully completes the second 5401
third of the approved program of study, as determined by the 5402
department; 5403

(c) Fifty per cent of the amount calculated under division 5404
(D)(1) of this section shall be paid to the approved institution 5405
after the student successfully completes the final third of the 5406
approved program of study, as determined by the department. 5407

(3) Of the amount paid to an approved institution under 5408
division (D)(2) of this section, the institution may use the 5409
amount that is in addition to the student's career pathway 5410
training amount and the student's work readiness training amount 5411
for the associated services of the approved program of study. 5412
These services include counseling, advising, assessment, and 5413
other services as determined or required by the department. 5414

(E) The superintendent, in consultation with the 5415

chancellor, shall adopt rules for the implementation of the 5416
adult diploma pilot program, including all of the following: 5417

(1) The requirements for applying for program approval; 5418

(2) The requirements for obtaining a high school diploma 5419
through the program, including the requirement to obtain a 5420
passing score on an assessment that is appropriate for the 5421
career pathway training program that is being completed by the 5422
eligible student, and the date on which these requirements take 5423
effect; 5424

(3) The assessment or assessments that may be used to 5425
complete the assessment requirement for each career pathway 5426
training program under division (E) (2) of this section and the 5427
score that must be obtained on each assessment in order to pass 5428
the assessment; 5429

(4) Guidelines regarding the funding of the program under 5430
division (D) of this section, including a method of funding for 5431
students who transfer from one approved institution to another 5432
approved institution prior to completing an approved program of 5433
study; 5434

(5) Circumstances under which an eligible student may be 5435
charged for tuition, supplies, or associated fees while enrolled 5436
in an approved institution's approved program of study; 5437

(6) A requirement that an eligible student may not be 5438
charged for tuition, supplies, or associated fees while enrolled 5439
in an approved institution's approved program of study except in 5440
the circumstances described under division (E) (5) of this 5441
section; 5442

(7) The payment of federal funds that are to be used by 5443
approved programs of study at approved institutions. 5444

Sec. 3313.903. Except as otherwise required under federal 5445
law, the department of education shall consider an industry- 5446
recognized credential, as described under division (B) (2) (d) of 5447
section 3302.03 of the Revised Code, or a license issued by a 5448
state agency or board for practice in a vocation that requires 5449
an examination for issuance of that license as an acceptable 5450
measure of technical skill attainment and shall not require a 5451
student with such credential or license to take additional 5452
technical assessments. 5453

Additionally, the department shall not require a student 5454
who has participated in or will be participating in a 5455
credentialing assessment aligned to the student's career- 5456
technical education program or has participated in or will be 5457
participating in taking an examination for issuance of such a 5458
license aligned to the student's career-technical education 5459
program to take additional technical assessments. 5460

However, if the student does not participate in the 5461
credentialing assessment or license examination, the student 5462
shall take the applicable technical assessments prescribed by 5463
the department. 5464

The department shall develop, in consultation with the 5465
Ohio association for career and technical education, the Ohio 5466
association of career-technical superintendents, the Ohio 5467
association of city career-technical schools, and other 5468
stakeholders, procedures for identifying industry-recognized 5469
credentials and licenses aligned to a student's career-technical 5470
education program that can be used as an acceptable measure of 5471
technical skill, and for identifying students in the process of 5472
earning such credentials and licenses. 5473

As used in this section, "technical assessments" shall not 5474

include the nationally recognized job skills assessment 5475
prescribed under division (G) of section 3301.0712 of the 5476
Revised Code. 5477

~~Nothing in this section shall exempt a student who wishes 5478
to qualify for a high school diploma under division (A) (3) of 5479
section 3313.618 of the Revised Code from the requirement to 5480
attain a specified score on that assessment in order to qualify 5481
for a high school diploma under that section. 5482~~

Sec. 3314.03. A copy of every contract entered into under 5483
this section shall be filed with the superintendent of public 5484
instruction. The department of education shall make available on 5485
its web site a copy of every approved, executed contract filed 5486
with the superintendent under this section. 5487

(A) Each contract entered into between a sponsor and the 5488
governing authority of a community school shall specify the 5489
following: 5490

(1) That the school shall be established as either of the 5491
following: 5492

(a) A nonprofit corporation established under Chapter 5493
1702. of the Revised Code, if established prior to April 8, 5494
2003; 5495

(b) A public benefit corporation established under Chapter 5496
1702. of the Revised Code, if established after April 8, 2003. 5497

(2) The education program of the school, including the 5498
school's mission, the characteristics of the students the school 5499
is expected to attract, the ages and grades of students, and the 5500
focus of the curriculum; 5501

(3) The academic goals to be achieved and the method of 5502

measurement that will be used to determine progress toward those 5503
goals, which shall include the statewide achievement 5504
assessments; 5505

(4) Performance standards, including but not limited to 5506
all applicable report card measures set forth in section 3302.03 5507
or 3314.017 of the Revised Code, by which the success of the 5508
school will be evaluated by the sponsor; 5509

(5) The admission standards of section 3314.06 of the 5510
Revised Code and, if applicable, section 3314.061 of the Revised 5511
Code; 5512

(6) (a) Dismissal procedures; 5513

(b) A requirement that the governing authority adopt an 5514
attendance policy that includes a procedure for automatically 5515
withdrawing a student from the school if the student without a 5516
legitimate excuse fails to participate in one hundred five 5517
consecutive hours of the learning opportunities offered to the 5518
student. 5519

(7) The ways by which the school will achieve racial and 5520
ethnic balance reflective of the community it serves; 5521

(8) Requirements for financial audits by the auditor of 5522
state. The contract shall require financial records of the 5523
school to be maintained in the same manner as are financial 5524
records of school districts, pursuant to rules of the auditor of 5525
state. Audits shall be conducted in accordance with section 5526
117.10 of the Revised Code. 5527

(9) An addendum to the contract outlining the facilities 5528
to be used that contains at least the following information: 5529

(a) A detailed description of each facility used for 5530

instructional purposes;	5531
(b) The annual costs associated with leasing each facility	5532
that are paid by or on behalf of the school;	5533
(c) The annual mortgage principal and interest payments	5534
that are paid by the school;	5535
(d) The name of the lender or landlord, identified as	5536
such, and the lender's or landlord's relationship to the	5537
operator, if any.	5538
(10) Qualifications of teachers, including a requirement	5539
that the school's classroom teachers be licensed in accordance	5540
with sections 3319.22 to 3319.31 of the Revised Code, except	5541
that a community school may engage noncertificated persons to	5542
teach up to twelve hours per week pursuant to section 3319.301	5543
of the Revised Code.	5544
(11) That the school will comply with the following	5545
requirements:	5546
(a) The school will provide learning opportunities to a	5547
minimum of twenty-five students for a minimum of nine hundred	5548
twenty hours per school year.	5549
(b) The governing authority will purchase liability	5550
insurance, or otherwise provide for the potential liability of	5551
the school.	5552
(c) The school will be nonsectarian in its programs,	5553
admission policies, employment practices, and all other	5554
operations, and will not be operated by a sectarian school or	5555
religious institution.	5556
(d) The school will comply with sections 9.90, 9.91,	5557
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	5558

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 5559
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 5560
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 5561
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 5562
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 5563
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 5564
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 5565
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 5566
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 5567
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5568
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 5569
4123., 4141., and 4167. of the Revised Code as if it were a 5570
school district and will comply with section 3301.0714 of the 5571
Revised Code in the manner specified in section 3314.17 of the 5572
Revised Code. 5573

(e) The school shall comply with Chapter 102. and section 5574
2921.42 of the Revised Code. 5575

(f) The school will comply with sections 3313.61, 5576
3313.611, and 3313.614 of the Revised Code, except that for 5577
students who enter ninth grade for the first time before July 1, 5578
2010, the requirement in sections 3313.61 and 3313.611 of the 5579
Revised Code that a person must successfully complete the 5580
curriculum in any high school prior to receiving a high school 5581
diploma may be met by completing the curriculum adopted by the 5582
governing authority of the community school rather than the 5583
curriculum specified in Title XXXVIII of the Revised Code or any 5584
rules of the state board of education. Beginning with students 5585
who enter ninth grade for the first time on or after July 1, 5586
2010, the requirement in sections 3313.61 and 3313.611 of the 5587
Revised Code that a person must successfully complete the 5588
curriculum of a high school prior to receiving a high school 5589

diploma shall be met by completing the requirements prescribed 5590
in division (C) of section 3313.603 of the Revised Code, unless 5591
the person qualifies under division (D) or (F) of that section. 5592
Each school shall comply with the plan for awarding high school 5593
credit based on demonstration of subject area competency, and 5594
beginning with the 2017-2018 school year, with the updated plan 5595
that permits students enrolled in seventh and eighth grade to 5596
meet curriculum requirements based on subject area competency 5597
adopted by the state board of education under divisions (J) (1) 5598
and (2) of section 3313.603 of the Revised Code. 5599

(g) The school governing authority will submit within four 5600
months after the end of each school year a report of its 5601
activities and progress in meeting the goals and standards of 5602
divisions (A) (3) and (4) of this section and its financial 5603
status to the sponsor and the parents of all students enrolled 5604
in the school. 5605

(h) The school, unless it is an internet- or computer- 5606
based community school, will comply with section 3313.801 of the 5607
Revised Code as if it were a school district. 5608

(i) If the school is the recipient of moneys from a grant 5609
awarded under the federal race to the top program, Division (A), 5610
Title XIV, Sections 14005 and 14006 of the "American Recovery 5611
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 5612
the school will pay teachers based upon performance in 5613
accordance with section 3317.141 and will comply with former 5614
section 3319.111 of the Revised Code as if it were a school 5615
district. 5616

(j) If the school operates a preschool program that is 5617
licensed by the department of education under sections 3301.52 5618
to 3301.59 of the Revised Code, the school shall comply with 5619

sections 3301.50 to 3301.59 of the Revised Code and the minimum 5620
standards for preschool programs prescribed in rules adopted by 5621
the state board under section 3301.53 of the Revised Code. 5622

(k) The school will comply with sections 3313.6021 and 5623
3313.6023 of the Revised Code as if it were a school district 5624
unless it is either of the following: 5625

(i) An internet- or computer-based community school; 5626

(ii) A community school in which a majority of the 5627
enrolled students are children with disabilities as described in 5628
division (A) (4) (b) of section 3314.35 of the Revised Code. 5629

(12) Arrangements for providing health and other benefits 5630
to employees; 5631

(13) The length of the contract, which shall begin at the 5632
beginning of an academic year. No contract shall exceed five 5633
years unless such contract has been renewed pursuant to division 5634
(E) of this section. 5635

(14) The governing authority of the school, which shall be 5636
responsible for carrying out the provisions of the contract; 5637

(15) A financial plan detailing an estimated school budget 5638
for each year of the period of the contract and specifying the 5639
total estimated per pupil expenditure amount for each such year. 5640

(16) Requirements and procedures regarding the disposition 5641
of employees of the school in the event the contract is 5642
terminated or not renewed pursuant to section 3314.07 of the 5643
Revised Code; 5644

(17) Whether the school is to be created by converting all 5645
or part of an existing public school or educational service 5646
center building or is to be a new start-up school, and if it is 5647

a converted public school or service center building, 5648
specification of any duties or responsibilities of an employer 5649
that the board of education or service center governing board 5650
that operated the school or building before conversion is 5651
delegating to the governing authority of the community school 5652
with respect to all or any specified group of employees provided 5653
the delegation is not prohibited by a collective bargaining 5654
agreement applicable to such employees; 5655

(18) Provisions establishing procedures for resolving 5656
disputes or differences of opinion between the sponsor and the 5657
governing authority of the community school; 5658

(19) A provision requiring the governing authority to 5659
adopt a policy regarding the admission of students who reside 5660
outside the district in which the school is located. That policy 5661
shall comply with the admissions procedures specified in 5662
sections 3314.06 and 3314.061 of the Revised Code and, at the 5663
sole discretion of the authority, shall do one of the following: 5664

(a) Prohibit the enrollment of students who reside outside 5665
the district in which the school is located; 5666

(b) Permit the enrollment of students who reside in 5667
districts adjacent to the district in which the school is 5668
located; 5669

(c) Permit the enrollment of students who reside in any 5670
other district in the state. 5671

(20) A provision recognizing the authority of the 5672
department of education to take over the sponsorship of the 5673
school in accordance with the provisions of division (C) of 5674
section 3314.015 of the Revised Code; 5675

(21) A provision recognizing the sponsor's authority to 5676

assume the operation of a school under the conditions specified 5677
in division (B) of section 3314.073 of the Revised Code; 5678

(22) A provision recognizing both of the following: 5679

(a) The authority of public health and safety officials to 5680
inspect the facilities of the school and to order the facilities 5681
closed if those officials find that the facilities are not in 5682
compliance with health and safety laws and regulations; 5683

(b) The authority of the department of education as the 5684
community school oversight body to suspend the operation of the 5685
school under section 3314.072 of the Revised Code if the 5686
department has evidence of conditions or violations of law at 5687
the school that pose an imminent danger to the health and safety 5688
of the school's students and employees and the sponsor refuses 5689
to take such action. 5690

(23) A description of the learning opportunities that will 5691
be offered to students including both classroom-based and non- 5692
classroom-based learning opportunities that is in compliance 5693
with criteria for student participation established by the 5694
department under division (H) (2) of section 3314.08 of the 5695
Revised Code; 5696

(24) The school will comply with sections 3302.04 and 5697
3302.041 of the Revised Code, except that any action required to 5698
be taken by a school district pursuant to those sections shall 5699
be taken by the sponsor of the school. However, the sponsor 5700
shall not be required to take any action described in division 5701
(F) of section 3302.04 of the Revised Code. 5702

(25) Beginning in the 2006-2007 school year, the school 5703
will open for operation not later than the thirtieth day of 5704
September each school year, unless the mission of the school as 5705

specified under division (A) (2) of this section is solely to 5706
serve dropouts. In its initial year of operation, if the school 5707
fails to open by the thirtieth day of September, or within one 5708
year after the adoption of the contract pursuant to division (D) 5709
of section 3314.02 of the Revised Code if the mission of the 5710
school is solely to serve dropouts, the contract shall be void. 5711

(26) Whether the school's governing authority is planning 5712
to seek designation for the school as a STEM school equivalent 5713
under section 3326.032 of the Revised Code; 5714

(27) That the school's attendance and participation 5715
policies will be available for public inspection; 5716

(28) That the school's attendance and participation 5717
records shall be made available to the department of education, 5718
auditor of state, and school's sponsor to the extent permitted 5719
under and in accordance with the "Family Educational Rights and 5720
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 5721
and any regulations promulgated under that act, and section 5722
3319.321 of the Revised Code; 5723

(29) If a school operates using the blended learning 5724
model, as defined in section 3301.079 of the Revised Code, all 5725
of the following information: 5726

(a) An indication of what blended learning model or models 5727
will be used; 5728

(b) A description of how student instructional needs will 5729
be determined and documented; 5730

(c) The method to be used for determining competency, 5731
granting credit, and promoting students to a higher grade level; 5732

(d) The school's attendance requirements, including how 5733

the school will document participation in learning opportunities; 5734
5735

(e) A statement describing how student progress will be monitored; 5736
5737

(f) A statement describing how private student data will be protected; 5738
5739

(g) A description of the professional development activities that will be offered to teachers. 5740
5741

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate; 5742
5743
5744
5745

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted. 5746
5747
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5750

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 5751
5752
5753

(1) The process by which the governing authority of the school will be selected in the future; 5754
5755

(2) The management and administration of the school; 5756

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 5757
5758
5759
5760
5761

(4) The instructional program and educational philosophy	5762
of the school;	5763
(5) Internal financial controls.	5764
When submitting the plan under this division, the school	5765
shall also submit copies of all policies and procedures	5766
regarding internal financial controls adopted by the governing	5767
authority of the school.	5768
(C) A contract entered into under section 3314.02 of the	5769
Revised Code between a sponsor and the governing authority of a	5770
community school may provide for the community school governing	5771
authority to make payments to the sponsor, which is hereby	5772
authorized to receive such payments as set forth in the contract	5773
between the governing authority and the sponsor. The total	5774
amount of such payments for monitoring, oversight, and technical	5775
assistance of the school shall not exceed three per cent of the	5776
total amount of payments for operating expenses that the school	5777
receives from the state.	5778
(D) The contract shall specify the duties of the sponsor	5779
which shall be in accordance with the written agreement entered	5780
into with the department of education under division (B) of	5781
section 3314.015 of the Revised Code and shall include the	5782
following:	5783
(1) Monitor the community school's compliance with all	5784
laws applicable to the school and with the terms of the	5785
contract;	5786
(2) Monitor and evaluate the academic and fiscal	5787
performance and the organization and operation of the community	5788
school on at least an annual basis;	5789
(3) Report on an annual basis the results of the	5790

evaluation conducted under division (D) (2) of this section to 5791
the department of education and to the parents of students 5792
enrolled in the community school; 5793

(4) Provide technical assistance to the community school 5794
in complying with laws applicable to the school and terms of the 5795
contract; 5796

(5) Take steps to intervene in the school's operation to 5797
correct problems in the school's overall performance, declare 5798
the school to be on probationary status pursuant to section 5799
3314.073 of the Revised Code, suspend the operation of the 5800
school pursuant to section 3314.072 of the Revised Code, or 5801
terminate the contract of the school pursuant to section 3314.07 5802
of the Revised Code as determined necessary by the sponsor; 5803

(6) Have in place a plan of action to be undertaken in the 5804
event the community school experiences financial difficulties or 5805
closes prior to the end of a school year. 5806

(E) Upon the expiration of a contract entered into under 5807
this section, the sponsor of a community school may, with the 5808
approval of the governing authority of the school, renew that 5809
contract for a period of time determined by the sponsor, but not 5810
ending earlier than the end of any school year, if the sponsor 5811
finds that the school's compliance with applicable laws and 5812
terms of the contract and the school's progress in meeting the 5813
academic goals prescribed in the contract have been 5814
satisfactory. Any contract that is renewed under this division 5815
remains subject to the provisions of sections 3314.07, 3314.072, 5816
and 3314.073 of the Revised Code. 5817

(F) If a community school fails to open for operation 5818
within one year after the contract entered into under this 5819

section is adopted pursuant to division (D) of section 3314.02 5820
of the Revised Code or permanently closes prior to the 5821
expiration of the contract, the contract shall be void and the 5822
school shall not enter into a contract with any other sponsor. A 5823
school shall not be considered permanently closed because the 5824
operations of the school have been suspended pursuant to section 5825
3314.072 of the Revised Code. 5826

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 5827
not apply to any community school in which a majority of the 5828
students are enrolled in a dropout prevention and recovery 5829
program that is operated by the school and that has been granted 5830
a waiver by the department of education. Until June 30, 2014, 5831
the department shall grant a waiver to a dropout prevention and 5832
recovery program, within sixty days after the program applies 5833
for the waiver, if the program meets all of the following 5834
conditions: 5835

(1) The program serves only students not younger than 5836
sixteen years of age and not older than twenty-one years of age. 5837

(2) The program enrolls students who, at the time of their 5838
initial enrollment, either, or both, are at least one grade 5839
level behind their cohort age groups or experience crises that 5840
significantly interfere with their academic progress such that 5841
they are prevented from continuing their traditional programs. 5842

(3) The program requires students to attain at least the 5843
applicable score designated for each of the assessments 5844
prescribed under division (B)(1) of section 3301.0710 of the 5845
Revised Code or, to the extent prescribed by rule of the state 5846
board of education under division (D) ~~(5)~~ (2) of section 5847
3301.0712 of the Revised Code, division (B)(2) of that section. 5848

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (A)(4) of this section during the remainder of the student's high school experience.

(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

(C) Beginning on July 1, 2014, all community schools in which a majority of the students are enrolled in a dropout prevention and recovery program are subject to the provisions of section 3314.351 of the Revised Code, regardless of whether a waiver has been granted under this section. Thereafter, no waivers shall be granted under this section.

Sec. 3317.141. The board of education of any city,

exempted village, local, or joint vocational school district 5878
that is the recipient of moneys from a grant awarded under the 5879
federal race to the top program, Division (A), Title XIV, 5880
Sections 14005 and 14006 of the "American Recovery and 5881
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 5882
shall comply with this section in accordance with the timeline 5883
contained in the board's scope of work, as approved by the 5884
superintendent of public instruction, and shall not be subject 5885
to sections 3317.13 and 3317.14 of the Revised Code. The board 5886
of education of any other school district, and the governing 5887
board of each educational service center, shall comply with 5888
either this section or sections 3317.13 and 3317.14 of the 5889
Revised Code. 5890

(A) The board annually shall adopt a salary schedule for 5891
teachers based upon performance as described in division (B) of 5892
this section. 5893

(B) For purposes of the schedule, a board shall measure a 5894
teacher's performance by considering all of the following: 5895

(1) The level of license issued under section 3319.22 of 5896
the Revised Code that the teacher holds; 5897

(2) Whether the teacher is a highly qualified teacher, as 5898
defined in section 3319.074 of the Revised Code; 5899

(3) Ratings received by the teacher on performance 5900
evaluations conducted under ~~section 3319.111 of the Revised Code~~ 5901
any policy adopted by the district board or governing board 5902
prescribing teacher evaluations; 5903

(4) Any other teacher performance measures adopted by the 5904
district board. 5905

(C) The schedule shall provide for annual adjustments 5906

based on performance on the evaluations conducted under ~~section~~ 5907
~~3319.111 of the Revised Code~~ any policy adopted by the district 5908
board or governing board prescribing teacher evaluations. ~~The~~ 5909
~~annual performance-based adjustment for a teacher rated as~~ 5910
~~accomplished shall be greater than the annual performance-based~~ 5911
~~adjustment for a teacher rated as skilled.~~ 5912

(D) The salary schedule adopted under this section may 5913
provide for additional compensation for teachers who agree to 5914
perform duties, not contracted for under a supplemental 5915
contract, that the employing board determines warrant additional 5916
compensation. Those duties may include, but are not limited to, 5917
assignment to a school building eligible for funding under Title 5918
I of the "Elementary and Secondary Education Act of 1965," 20 5919
U.S.C. 6301 et seq.; assignment to a building in "school 5920
improvement" status under the "No Child Left Behind Act of 5921
2001," as defined in section 3302.01 of the Revised Code; 5922
teaching in a grade level or subject area in which the board has 5923
determined there is a shortage within the district or service 5924
center; or assignment to a hard-to-staff school, as determined 5925
by the board. 5926

Sec. 3319.02. (A) (1) As used in this section, "other 5927
administrator" means any of the following: 5928

(a) Except as provided in division (A) (2) of this section, 5929
any employee in a position for which a board of education 5930
requires a license designated by rule of the department of 5931
education for being an administrator issued under section 5932
3319.22 of the Revised Code, including a professional pupil 5933
services employee or administrative specialist or an equivalent 5934
of either one who is not employed as a school counselor and 5935
spends less than fifty per cent of the time employed teaching or 5936

working with students; 5937

(b) Any nonlicensed employee whose job duties enable such 5938
employee to be considered as either a "supervisor" or a 5939
"management level employee," as defined in section 4117.01 of 5940
the Revised Code; 5941

(c) A business manager appointed under section 3319.03 of 5942
the Revised Code. 5943

(2) As used in this section, "other administrator" does 5944
not include a superintendent, assistant superintendent, 5945
principal, or assistant principal. 5946

(B) The board of education of each school district and the 5947
governing board of an educational service center may appoint one 5948
or more assistant superintendents and such other administrators 5949
as are necessary. An assistant educational service center 5950
superintendent or service center supervisor employed on a part- 5951
time basis may also be employed by a local board as a teacher. 5952
The board of each city, exempted village, and local school 5953
district shall employ principals for all high schools and for 5954
such other schools as the board designates, and those boards may 5955
appoint assistant principals for any school that they designate. 5956

(C) In educational service centers and in city, exempted 5957
village, and local school districts, assistant superintendents, 5958
principals, assistant principals, and other administrators shall 5959
only be employed or reemployed in accordance with nominations of 5960
the superintendent, except that a board of education of a school 5961
district or the governing board of a service center, by a three- 5962
fourths vote of its full membership, may reemploy any assistant 5963
superintendent, principal, assistant principal, or other 5964
administrator whom the superintendent refuses to nominate. 5965

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or more, the term of the contract shall be for not more than five years and, unless the superintendent of the district recommends otherwise, not less than two years. If the superintendent so recommends, the term of the contract of a person who has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more may be one year, but all subsequent contracts granted such person shall be for a term of not less than two years and not more than five years. When a teacher with continuing service status becomes an assistant superintendent, principal, assistant principal, or other administrator with the district or service center with which the teacher holds continuing service status, the teacher retains such status in the teacher's nonadministrative position as provided in sections 3311.77, 3319.08, and 3319.09 of the Revised Code.

A board of education or governing board may reemploy an assistant superintendent, principal, assistant principal, or other administrator at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year of expiration of the employment contract and ending on the first day of June of the year the employment contract expires.

Except by mutual agreement of the parties thereto, no

assistant superintendent, principal, assistant principal, or 5997
other administrator shall be transferred during the life of a 5998
contract to a position of lesser responsibility. No contract may 5999
be terminated by a board except pursuant to section 3319.16 of 6000
the Revised Code. No contract may be suspended except pursuant 6001
to section 3319.17 or 3319.171 of the Revised Code. The salaries 6002
and compensation prescribed by such contracts shall not be 6003
reduced by a board unless such reduction is a part of a uniform 6004
plan affecting the entire district or center. The contract shall 6005
specify the employee's administrative position and duties as 6006
included in the job description adopted under division (D) of 6007
this section, the salary and other compensation to be paid for 6008
performance of duties, the number of days to be worked, the 6009
number of days of vacation leave, if any, and any paid holidays 6010
in the contractual year. 6011

An assistant superintendent, principal, assistant 6012
principal, or other administrator is, at the expiration of the 6013
current term of employment, deemed reemployed at the same salary 6014
plus any increments that may be authorized by the board, unless 6015
such employee notifies the board in writing to the contrary on 6016
or before the fifteenth day of June, or unless such board, on or 6017
before the first day of June of the year in which the contract 6018
of employment expires, either reemploys such employee for a 6019
succeeding term or gives written notice of its intention not to 6020
reemploy the employee. The term of reemployment of a person 6021
reemployed under this paragraph shall be one year, except that 6022
if such person has been employed by the school district or 6023
service center as an assistant superintendent, principal, 6024
assistant principal, or other administrator for three years or 6025
more, the term of reemployment shall be two years. 6026

~~(D) (1) Each board shall adopt procedures for the~~ 6027

~~evaluation of all assistant superintendents, principals, 6028
assistant principals, and other administrators and shall 6029
evaluate such employees in accordance with those procedures. The 6030
procedures for the evaluation of principals and assistant 6031
principals shall be based on principles comparable to the 6032
teacher evaluation policy adopted by the board under section 6033
3319.111 of the Revised Code, but shall be tailored to the 6034
duties and responsibilities of principals and assistant 6035
principals and the environment in which they work. An evaluation- 6036
based upon procedures adopted under this division shall be 6037
considered by the board in deciding whether to renew the 6038
contract of employment of an assistant superintendent, 6039
principal, assistant principal, or other administrator. 6040~~

~~(2) The evaluation shall measure each assistant- 6041
superintendent's, principal's, assistant principal's, and other 6042
administrator's effectiveness in performing the duties included 6043
in the job description and the evaluation procedures shall 6044
provide for, but not be limited to, the following: 6045~~

~~(a) Each assistant superintendent, principal, assistant- 6046
principal, and other administrator shall be evaluated annually 6047
through a written evaluation process. 6048~~

~~(b) The evaluation shall be conducted by the 6049
superintendent or designee. 6050~~

~~(c) In order to provide time to show progress in 6051
correcting the deficiencies identified in the evaluation- 6052
process, the evaluation process shall be completed as follows: 6053~~

~~(i) In any school year that the employee's contract of 6054
employment is not due to expire, at least one evaluation shall 6055
be completed in that year. A written copy of the evaluation- 6056~~

~~shall be provided to the employee no later than the end of the
employee's contract year as defined by the employee's annual
salary notice.~~

~~(ii) In any school year that the employee's contract of
employment is due to expire, at least a preliminary evaluation
and at least a final evaluation shall be completed in that year.
A written copy of the preliminary evaluation shall be provided
to the employee at least sixty days prior to any action by the
board on the employee's contract of employment. The final
evaluation shall indicate the superintendent's intended
recommendation to the board regarding a contract of employment
for the employee. A written copy of the evaluation shall be
provided to the employee at least five days prior to the board's
acting to renew or not renew the contract.~~

~~(3) Termination of an assistant superintendent, principal,
assistant principal, or other administrator's contract shall be
pursuant to section 3319.16 of the Revised Code. Suspension of
any such employee shall be pursuant to section 3319.17 or
3319.171 of the Revised Code.~~

~~(4) Before taking action to renew or nonrenew the contract
of an assistant superintendent, principal, assistant principal,
or other administrator under this section and prior to the first
day of June of the year in which such employee's contract
expires, the board shall notify each such employee of the date
that the contract expires and that the employee may request a
meeting with the board. Upon request by such an employee, the
board shall grant the employee a meeting in executive session.
In that meeting, the board shall discuss its reasons for
considering renewal or nonrenewal of the contract. The employee
shall be permitted to have a representative, chosen by the~~

~~employee, present at the meeting.~~ 6087

~~(5) The establishment of an evaluation procedure shall not
create an expectancy of continued employment. Nothing in
division (D) of this section shall prevent a board from making
the final determination regarding the renewal or nonrenewal of
the contract of any assistant superintendent, principal,
assistant principal, or other administrator. However, if a board
fails to provide evaluations pursuant to division (D) (2) (c) (i)
or (ii) of this section, or if the board fails to provide at the
request of the employee a meeting as prescribed in division (D)
(4) of this section, the employee automatically shall be
reemployed at the same salary plus any increments that may be
authorized by the board for a period of one year, except that if
the employee has been employed by the district or service center
as an assistant superintendent, principal, assistant principal,
or other administrator for three years or more, the period of
reemployment shall be for two years.~~ 6088
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~~(E) On nomination of the superintendent of a service
center a governing board may employ supervisors who shall be
employed under written contracts of employment for terms not to
exceed five years each. Such contracts may be terminated by a
governing board pursuant to section 3319.16 of the Revised Code.
Any supervisor employed pursuant to this division may terminate
the contract of employment at the end of any school year after
giving the board at least thirty days' written notice prior to
such termination. On the recommendation of the superintendent
the contract or contracts of any supervisor employed pursuant to
this division may be suspended for the remainder of the term of
any such contract pursuant to section 3319.17 or 3319.171 of the
Revised Code.~~ 6104
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~~(F)~~(E) A board may establish vacation leave for any 6117
individuals employed under this section. Upon such an 6118
individual's separation from employment, a board that has such 6119
leave may compensate such an individual at the individual's 6120
current rate of pay for all lawfully accrued and unused vacation 6121
leave credited at the time of separation, not to exceed the 6122
amount accrued within three years before the date of separation. 6123
In case of the death of an individual employed under this 6124
section, such unused vacation leave as the board would have paid 6125
to the individual upon separation under this section shall be 6126
paid in accordance with section 2113.04 of the Revised Code, or 6127
to the estate. 6128

~~(G)~~(F) The board of education of any school district may 6129
contract with the governing board of the educational service 6130
center from which it otherwise receives services to conduct 6131
searches and recruitment of candidates for assistant 6132
superintendent, principal, assistant principal, and other 6133
administrator positions authorized under this section. 6134

Sec. 3319.11. (A) As used in this section: 6135

(1) "Evaluation procedures" means the procedures required 6136
by ~~the any policy adopted pursuant to division (A) of section~~ 6137
~~3319.111 of the Revised Code~~ by the school district board of 6138
education for the purpose of conducting teacher evaluations. 6139

(2) "Limited contract" means a limited contract, as 6140
described in section 3319.08 of the Revised Code, that a school 6141
district board of education or governing board of an educational 6142
service center enters into with a teacher who is not eligible 6143
for continuing service status. 6144

(3) "Extended limited contract" means a limited contract, 6145

as described in section 3319.08 of the Revised Code, that a 6146
board of education or governing board enters into with a teacher 6147
who is eligible for continuing service status. 6148

(B) Teachers eligible for continuing service status in any 6149
city, exempted village, local, or joint vocational school 6150
district or educational service center shall be those teachers 6151
qualified as described in division (D) of section 3319.08 of the 6152
Revised Code, who within the last five years have taught for at 6153
least three years in the district or center, and those teachers 6154
who, having attained continuing contract status elsewhere, have 6155
served two years in the district or center, but the board, upon 6156
the recommendation of the superintendent, may at the time of 6157
employment or at any time within such two-year period, declare 6158
any of the latter teachers eligible. 6159

(1) Upon the recommendation of the superintendent that a 6160
teacher eligible for continuing service status be reemployed, a 6161
continuing contract shall be entered into between the board and 6162
the teacher unless the board by a three-fourths vote of its full 6163
membership rejects the recommendation of the superintendent. If 6164
the board rejects by a three-fourths vote of its full membership 6165
the recommendation of the superintendent that a teacher eligible 6166
for continuing service status be reemployed and the 6167
superintendent makes no recommendation to the board pursuant to 6168
division (C) of this section, the board may declare its 6169
intention not to reemploy the teacher by giving the teacher 6170
written notice on or before the first day of June of its 6171
intention not to reemploy the teacher. If evaluation procedures 6172
have not been complied with pursuant to ~~section 3319.111 of the~~ 6173
~~Revised Code~~ the board's policy or the board does not give the 6174
teacher written notice on or before the first day of June of its 6175
intention not to reemploy the teacher, the teacher is deemed 6176

reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to ~~section 3319.111 of the Revised Code~~ the board's policy or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of a teacher only a continuing contract may be entered into.

(3) Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this

division is entitled to the hearing provisions of division (G) 6208
of this section. 6209

(C) (1) If a board rejects the recommendation of the 6210
superintendent for reemployment of a teacher pursuant to 6211
division (B) (1) of this section, the superintendent may 6212
recommend reemployment of the teacher, if continuing service 6213
status has not previously been attained elsewhere, under an 6214
extended limited contract for a term not to exceed two years, 6215
provided that written notice of the superintendent's intention 6216
to make such recommendation has been given to the teacher with 6217
reasons directed at the professional improvement of the teacher 6218
on or before the first day of June. Upon subsequent reemployment 6219
of the teacher only a continuing contract may be entered into. 6220

(2) If a board of education takes affirmative action on a 6221
superintendent's recommendation, made pursuant to division (C) 6222
(1) of this section, of an extended limited contract for a term 6223
not to exceed two years but the board does not give the teacher 6224
written notice of its affirmative action on the superintendent's 6225
recommendation of an extended limited contract on or before the 6226
first day of June, the teacher is deemed reemployed under a 6227
continuing contract at the same salary plus any increment 6228
provided by the salary schedule. The teacher is presumed to have 6229
accepted employment under such continuing contract unless such 6230
teacher notifies the board in writing to the contrary on or 6231
before the fifteenth day of June, and a continuing contract 6232
shall be executed accordingly. 6233

(3) A board shall not reject a superintendent's 6234
recommendation, made pursuant to division (C) (1) of this 6235
section, of an extended limited contract for a term not to 6236
exceed two years except by a three-fourths vote of its full 6237

membership. If a board rejects by a three-fourths vote of its 6238
full membership the recommendation of the superintendent of an 6239
extended limited contract for a term not to exceed two years, 6240
the board may declare its intention not to reemploy the teacher 6241
by giving the teacher written notice on or before the first day 6242
of June of its intention not to reemploy the teacher. If 6243
evaluation procedures have not been complied with pursuant to 6244
~~section 3319.111 of the Revised Code~~ the board's policy or if 6245
the board does not give the teacher written notice on or before 6246
the first day of June of its intention not to reemploy the 6247
teacher, the teacher is deemed reemployed under an extended 6248
limited contract for a term not to exceed one year at the same 6249
salary plus any increment provided by the salary schedule. The 6250
teacher is presumed to have accepted employment under the 6251
extended limited contract for a term not to exceed one year 6252
unless such teacher notifies the board in writing to the 6253
contrary on or before the fifteenth day of June, and an extended 6254
limited contract for a term not to exceed one year shall be 6255
executed accordingly. Upon any subsequent reemployment of the 6256
teacher only a continuing contract may be entered into. 6257

Any teacher receiving written notice of the intention of a 6258
board not to reemploy such teacher pursuant to this division is 6259
entitled to the hearing provisions of division (G) of this 6260
section. 6261

(D) A teacher eligible for continuing contract status 6262
employed under an extended limited contract pursuant to division 6263
(B) or (C) of this section, is, at the expiration of such 6264
extended limited contract, deemed reemployed under a continuing 6265
contract at the same salary plus any increment granted by the 6266
salary schedule, unless evaluation procedures have been complied 6267
with pursuant to ~~section 3319.111 of the Revised Code~~ the 6268

employing board's policy and the employing board, acting on the 6269
superintendent's recommendation that the teacher not be 6270
reemployed, gives the teacher written notice on or before the 6271
first day of June of its intention not to reemploy such teacher. 6272
A teacher who does not have evaluation procedures applied in 6273
compliance with ~~section 3319.111 of the Revised Code~~ the 6274
employing board's policy or who does not receive notice on or 6275
before the first day of June of the intention of the board not 6276
to reemploy such teacher is presumed to have accepted employment 6277
under a continuing contract unless such teacher notifies the 6278
board in writing to the contrary on or before the fifteenth day 6279
of June, and a continuing contract shall be executed 6280
accordingly. 6281

Any teacher receiving a written notice of the intention of 6282
a board not to reemploy such teacher pursuant to this division 6283
is entitled to the hearing provisions of division (G) of this 6284
section. 6285

(E) The board shall enter into a limited contract with 6286
each teacher employed by the board who is not eligible to be 6287
considered for a continuing contract. 6288

Any teacher employed under a limited contract, and not 6289
eligible to be considered for a continuing contract, is, at the 6290
expiration of such limited contract, considered reemployed under 6291
the provisions of this division at the same salary plus any 6292
increment provided by the salary schedule unless evaluation 6293
procedures have been complied with pursuant to ~~section 3319.111~~ 6294
~~of the Revised Code~~ the employing board's policy and the 6295
employing board, acting upon the superintendent's written 6296
recommendation that the teacher not be reemployed, gives such 6297
teacher written notice of its intention not to reemploy such 6298

teacher on or before the first day of June. A teacher who does 6299
not have evaluation procedures applied in compliance with 6300
~~section 3319.111 of the Revised Code~~ the employing board's 6301
policy or who does not receive notice of the intention of the 6302
board not to reemploy such teacher on or before the first day of 6303
June is presumed to have accepted such employment unless such 6304
teacher notifies the board in writing to the contrary on or 6305
before the fifteenth day of June, and a written contract for the 6306
succeeding school year shall be executed accordingly. 6307

Any teacher receiving a written notice of the intention of 6308
a board not to reemploy such teacher pursuant to this division 6309
is entitled to the hearing provisions of division (G) of this 6310
section. 6311

(F) The failure of a superintendent to make a 6312
recommendation to the board under any of the conditions set 6313
forth in divisions (B) to (E) of this section, or the failure of 6314
the board to give such teacher a written notice pursuant to 6315
divisions (C) to (E) of this section shall not prejudice or 6316
prevent a teacher from being deemed reemployed under either a 6317
limited or continuing contract as the case may be under the 6318
provisions of this section. A failure of the parties to execute 6319
a written contract shall not void any automatic reemployment 6320
provisions of this section. 6321

(G) (1) Any teacher receiving written notice of the 6322
intention of a board of education not to reemploy such teacher 6323
pursuant to division (B), (C) (3), (D), or (E) of this section 6324
may, within ten days of the date of receipt of the notice, file 6325
with the treasurer of the board a written demand for a written 6326
statement describing the circumstances that led to the board's 6327
intention not to reemploy the teacher. 6328

(2) The treasurer of a board, on behalf of the board, 6329
shall, within ten days of the date of receipt of a written 6330
demand for a written statement pursuant to division (G) (1) of 6331
this section, provide to the teacher a written statement 6332
describing the circumstances that led to the board's intention 6333
not to reemploy the teacher. 6334

(3) Any teacher receiving a written statement describing 6335
the circumstances that led to the board's intention not to 6336
reemploy the teacher pursuant to division (G) (2) of this section 6337
may, within five days of the date of receipt of the statement, 6338
file with the treasurer of the board a written demand for a 6339
hearing before the board pursuant to divisions (G) (4) to (6) of 6340
this section. 6341

(4) The treasurer of a board, on behalf of the board, 6342
shall, within ten days of the date of receipt of a written 6343
demand for a hearing pursuant to division (G) (3) of this 6344
section, provide to the teacher a written notice setting forth 6345
the time, date, and place of the hearing. The board shall 6346
schedule and conclude the hearing within forty days of the date 6347
on which the treasurer of the board receives a written demand 6348
for a hearing pursuant to division (G) (3) of this section. 6349

(5) Any hearing conducted pursuant to this division shall 6350
be conducted by a majority of the members of the board. The 6351
hearing shall be held in executive session of the board unless 6352
the board and the teacher agree to hold the hearing in public. 6353
The superintendent, assistant superintendent, the teacher, and 6354
any person designated by either party to take a record of the 6355
hearing may be present at the hearing. The board may be 6356
represented by counsel and the teacher may be represented by 6357
counsel or a designee. A record of the hearing may be taken by 6358

either party at the expense of the party taking the record. 6359

(6) Within ten days of the conclusion of a hearing 6360
conducted pursuant to this division, the board shall issue to 6361
the teacher a written decision containing an order affirming the 6362
intention of the board not to reemploy the teacher reported in 6363
the notice given to the teacher pursuant to division (B), (C) 6364
(3), (D), or (E) of this section or an order vacating the 6365
intention not to reemploy and expunging any record of the 6366
intention, notice of the intention, and the hearing conducted 6367
pursuant to this division. 6368

(7) A teacher may appeal an order affirming the intention 6369
of the board not to reemploy the teacher to the court of common 6370
pleas of the county in which the largest portion of the 6371
territory of the school district or service center is located, 6372
within thirty days of the date on which the teacher receives the 6373
written decision, on the grounds that the board has not complied 6374
with this section or ~~section 3319.111 of the Revised Code~~ the 6375
evaluation procedures of the board's policy. 6376

Notwithstanding section 2506.04 of the Revised Code, the 6377
court in an appeal under this division is limited to the 6378
determination of procedural errors and to ordering the 6379
correction of procedural errors and shall have no jurisdiction 6380
to order a board to reemploy a teacher, except that the court 6381
may order a board to reemploy a teacher in compliance with the 6382
requirements of division (B), (C) (3), (D), or (E) of this 6383
section when the court determines that evaluation procedures 6384
have not been complied with pursuant to ~~section 3319.111 of the~~ 6385
~~Revised Code~~ the evaluation procedures of the board's policy or 6386
the board has not given the teacher written notice on or before 6387
the first day of June of its intention not to reemploy the 6388

teacher pursuant to division (B), (C) (3), (D), or (E) of this 6389
section. Otherwise, the determination whether to reemploy or not 6390
reemploy a teacher is solely a board's determination and not a 6391
proper subject of judicial review and, except as provided in 6392
this division, no decision of a board whether to reemploy or not 6393
reemploy a teacher shall be invalidated by the court on any 6394
basis, including that the decision was not warranted by the 6395
results of any evaluation or was not warranted by any statement 6396
given pursuant to division (G) (2) of this section. 6397

No appeal of an order of a board may be made except as 6398
specified in this division. 6399

(H) (1) In giving a teacher any notice required by division 6400
(B), (C), (D), or (E) of this section, the board or the 6401
superintendent shall do either of the following: 6402

(a) Deliver the notice by personal service upon the 6403
teacher; 6404

(b) Deliver the notice by certified mail, return receipt 6405
requested, addressed to the teacher at the teacher's place of 6406
employment and deliver a copy of the notice by certified mail, 6407
return receipt requested, addressed to the teacher at the 6408
teacher's place of residence. 6409

(2) In giving a board any notice required by division (B), 6410
(C), (D), or (E) of this section, the teacher shall do either of 6411
the following: 6412

(a) Deliver the notice by personal delivery to the office 6413
of the superintendent during regular business hours; 6414

(b) Deliver the notice by certified mail, return receipt 6415
requested, addressed to the office of the superintendent and 6416
deliver a copy of the notice by certified mail, return receipt 6417

requested, addressed to the president of the board at the 6418
president's place of residence. 6419

(3) When any notice and copy of the notice are mailed 6420
pursuant to division (H) (1)(b) or (2)(b) of this section, the 6421
notice or copy of the notice with the earlier date of receipt 6422
shall constitute the notice for the purposes of division (B), 6423
(C), (D), or (E) of this section. 6424

(I) The provisions of this section shall not apply to any 6425
supplemental written contracts entered into pursuant to section 6426
3319.08 of the Revised Code. 6427

(J) (1) Notwithstanding any provision to the contrary in 6428
Chapter 4117. of the Revised Code, the dates set forth in this 6429
section as "on or before the first day of June" or "on or before 6430
the fifteenth day of June" prevail over any conflicting 6431
provisions of a collective bargaining agreement entered into on 6432
or after ~~the effective date of this amendment~~ March 22, 2013. 6433

(2) Notwithstanding any provision to the contrary in 6434
Chapter 4117. of the Revised Code, the requirements of this 6435
section, as it exists on and after the effective date of this 6436
amendment, prevail over any conflicting provisions of a 6437
collective bargaining agreement entered into on or after that 6438
effective date. 6439

Sec. 3319.223. (A) Not later than January 1, 2011, the 6440
superintendent of public instruction and the chancellor of 6441
higher education jointly shall establish the Ohio teacher 6442
residency program, which shall be a four-year, entry-level 6443
program for classroom teachers. Except as provided in division 6444
(B) of this section, the teacher residency program shall include 6445
at least the following components: 6446

- (1) Mentoring by teachers for the first two years of the program; 6447
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- (2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development; 6449
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- ~~(3) Measures of appropriate progression through the program, which shall include the performance based assessment prescribed by the state board of education for resident educators in the third year of the program. 6452
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6455~~
- (B) (1) For an individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board, the Ohio teacher residency program shall include the following components: 6456
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- (a) Conditions that, as of September 29, 2015, were necessary for a participant in the third and fourth year of the program to complete prior to applying for the professional educator license under division (A) (2) of section 3319.22 of the Revised Code, except as provided in division (B) (2) (b) of this section; 6461
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- (b) Four years of successful teaching experience under the alternative resident educator license, as verified by the superintendent of the employing school district; 6467
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- (c) Successful completion of a career-technical workforce development teacher preparation program that consists of not less than twenty-four semester hours, or the equivalent, from a state university. The teacher preparation program shall include a performance-based assessment, to be verified by the institution. 6470
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(2) No individual who is teaching career-technical courses 6476
under an alternative resident educator license issued under 6477
section 3319.26 of the Revised Code or rule of the state board 6478
shall be required to do either of the following: 6479

(a) Complete the conditions of the Ohio teacher residency 6480
program that a participant, as of September 29, 2015, would have 6481
been required to complete during the participant's first and 6482
second year of teaching under an alternative resident educator 6483
license. 6484

(b) Take the performance-based assessment prescribed by 6485
the state board for resident educators. 6486

(C) The teacher residency program shall be aligned with 6487
the standards for teachers adopted by the state board under 6488
section 3319.61 of the Revised Code and best practices 6489
identified by the superintendent of public instruction. 6490

(D) Each person who holds a resident educator license 6491
issued under section 3319.22 or 3319.227 of the Revised Code or 6492
an alternative resident educator license issued under section 6493
3319.26 of the Revised Code shall participate in the teacher 6494
residency program. Successful completion of the program shall be 6495
required to qualify any such person for a professional educator 6496
license issued under section 3319.22 of the Revised Code. 6497

(E) (1) The teacher residency program shall not require the 6498
assessment of or administer a performance assessment of resident 6499
educators at any point during the teacher residency program 6500
prescribed under section 3319.223 of the Revised Code. 6501

(2) The department of education shall adopt rules to 6502
implement the provisions of this section. 6503

Sec. 3319.23. A valid educator license for teaching social 6504

studies in the applicable grade shall be considered sufficient 6505
to teach the additional American history and American government 6506
content adopted under division (A) (1) ~~(b)~~ (a) of section 3301.079 6507
of the Revised Code. 6508

Sec. 3319.58. (A) As used in this section, "core subject 6509
area" has the same meaning as in section 3319.074 of the Revised 6510
Code. 6511

(B) Each year, beginning with the 2015-2016 school year, 6512
the board of education of each city, exempted village, local, 6513
and joint vocational school district shall require each 6514
classroom teacher who is currently teaching in a core subject 6515
area and has received a rating of ineffective, as defined by the 6516
board, on ~~the~~ evaluations conducted under ~~section 3319.111 of~~ 6517
~~the Revised Code~~ any policy adopted by the district board 6518
prescribing teacher evaluations for two of the three most recent 6519
school years to register for and take all written examinations 6520
of content knowledge selected by the department of education as 6521
appropriate to determine expertise to teach that core subject 6522
area and the grade level to which the teacher is assigned. 6523

(C) Each year, beginning with the 2015-2016 school year, 6524
the governing authority of each community school established 6525
under Chapter 3314. of the Revised Code except a community 6526
school to which section 3314.017 of the Revised Code applies and 6527
governing body of each STEM school established under Chapter 6528
3326. of the Revised Code with a building ranked in the lowest 6529
ten per cent of all public school buildings according to 6530
performance index score, under section 3302.21 of the Revised 6531
Code, shall require each classroom teacher currently teaching in 6532
a core subject area in such a building to register for and take 6533
all written examinations of content knowledge selected by the 6534

department as appropriate to determine expertise to teach that 6535
core subject area and the grade level to which the teacher is 6536
assigned. 6537

(D) If a teacher who takes an examination under division 6538
(B) of this section passes that examination and provides proof 6539
of that passage to the teacher's employer, the employer shall 6540
require the teacher, at the teacher's expense, to complete 6541
professional development that is targeted to the deficiencies 6542
identified in the teacher's evaluations conducted under ~~section~~ 6543
~~3319.111 of the Revised Code~~ any policy adopted by the district 6544
board prescribing teacher evaluations. The receipt by the 6545
teacher of a rating of ineffective, as defined by the board, on 6546
the teacher's next evaluation after completion of the 6547
professional development, or the failure of the teacher to 6548
complete the professional development, shall be grounds for 6549
termination of the teacher under section 3319.16 of the Revised 6550
Code. 6551

(E) If a teacher who takes an examination under this 6552
section passes that examination and provides proof of that 6553
passage to the teacher's employer, the teacher shall not be 6554
required to take the examination again for three years, 6555
regardless of the teacher's evaluation ratings or the 6556
performance index score ranking of the building in which the 6557
teacher teaches. No teacher shall be responsible for the cost of 6558
taking an examination under this section. 6559

(F) Each district board of education, each community 6560
school governing authority, and each STEM school governing body 6561
may use the results of a teacher's examinations required under 6562
division (B) or (C) of this section in developing and revising 6563
professional development plans and in deciding whether or not to 6564

continue employing the teacher in accordance with the provisions 6565
of this chapter or Chapter 3314. or 3326. of the Revised Code. 6566
However, no decision to terminate or not to renew a teacher's 6567
employment contract shall be made solely on the basis of the 6568
results of a teacher's examination under this section until and 6569
unless the teacher has not attained a passing score on the same 6570
required examination for at least three consecutive 6571
administrations of that examination. 6572

Sec. 3325.08. (A) A diploma shall be granted by the 6573
superintendent of the state school for the blind and the 6574
superintendent of the state school for the deaf to any student 6575
enrolled in one of these state schools to whom all both of the 6576
following apply: 6577

(1) The student has successfully completed the 6578
individualized education program developed for the student for 6579
the student's high school education pursuant to section 3323.08 6580
of the Revised Code; 6581

~~(2) Subject to section 3313.614 of the Revised Code, the 6582
student has met the assessment requirements of division (A) (2) 6583
(a) or (b) of this section, as applicable. 6584~~

~~(a) If the student entered the ninth grade prior to July 6585
1, 2014, the student either: 6586~~

~~(i) Has attained at least the applicable scores designated 6587
under division (B) (1) of section 3301.0710 of the Revised Code 6588
on all the assessments prescribed by that division unless 6589
division (L) of section 3313.61 of the Revised Code applies to 6590
the student; 6591~~

~~(ii) Has satisfied the alternative conditions prescribed 6592
in section 3313.615 of the Revised Code. 6593~~

~~(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.~~ 6594
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~~(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.~~ 6599
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No diploma shall be granted under this division to anyone except as provided under this division. 6601
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(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in one of these state schools who accomplishes ~~all~~ both of the following: 6603
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(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 6611
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~~(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable.~~ 6614
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~~(a) If the student entered the ninth grade prior to July 1, 2014, the student either:~~ 6617
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~~(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;~~ 6619
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~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.~~ 6622
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~~(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.~~ 6624
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~~(3)~~ Has met additional criteria for granting an honors diploma. 6627
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These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 6629
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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable. Each diploma shall bear the date of its issue and be in such form as the school superintendent prescribes. 6636
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(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted. 6642
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Sec. 3326.111. If a science, technology, engineering, and 6650

mathematics school is the recipient of moneys from a grant 6651
awarded under the federal race to the top program, Division (A), 6652
Title XIV, Sections 14005 and 14006 of the "American Recovery 6653
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 6654
the governing body of the school shall pay teachers based upon 6655
performance in accordance with section 3317.141 ~~and shall comply~~ 6656
~~with section 3319.111~~ of the Revised Code as if it were a school 6657
district board of education. 6658

Sec. 3328.01. As used in this chapter: 6659

(A) "Board of trustees" means the board of trustees 6660
established for a college-preparatory boarding school in 6661
accordance with section 3328.15 of the Revised Code. 6662

(B) "Child with a disability," "IEP," and "school district 6663
of residence" have the same meanings as in section 3323.01 of 6664
the Revised Code. 6665

(C) "Eligible student" means a student who is entitled to 6666
attend school in a participating school district; is at risk of 6667
academic failure; is from a family whose income is below two 6668
hundred per cent of the federal poverty guidelines, as defined 6669
in section 5101.46 of the Revised Code; meets any additional 6670
criteria prescribed by agreement between the state board of 6671
education and the operator of the college-preparatory boarding 6672
school in which the student seeks enrollment; and meets at least 6673
two of the following additional conditions: 6674

(1) The student has a record of in-school disciplinary 6675
actions, suspensions, expulsions, or truancy. 6676

(2) The student has not attained at least a proficient 6677
score on the state achievement assessments in English language 6678
arts, reading, or mathematics prescribed under section 3301.0710 6679

of the Revised Code, after those assessments have been 6680
administered to the student at least once, or the student has 6681
not attained at least a score designated by the board of 6682
trustees of the college-preparatory boarding school in which the 6683
student seeks enrollment under this chapter on an ~~end-of-course~~ 6684
examination in English language arts or mathematics prescribed 6685
under division (B) (2) of section 3301.0712 of the Revised Code. 6686

(3) The student is a child with a disability. 6687

(4) The student has been referred for academic 6688
intervention services. 6689

(5) The student's head of household is a single parent. As 6690
used in this division and in division (C) (6) of this section, 6691
"head of household" means a person who occupies the same 6692
household as the student and who is financially responsible for 6693
the student. 6694

(6) The student's head of household is not the student's 6695
custodial parent. 6696

(7) A member of the student's family has been imprisoned, 6697
as defined in section 1.05 of the Revised Code. 6698

(D) "Entitled to attend school" means entitled to attend 6699
school in a school district under section 3313.64 or 3313.65 of 6700
the Revised Code. 6701

(E) "Formula ADM," "category one through six special 6702
education ADM," and "state education aid" have the same meanings 6703
as in section 3317.02 of the Revised Code. 6704

(F) "Operator" means the operator of a college-preparatory 6705
boarding school selected under section 3328.11 of the Revised 6706
Code. 6707

(G) "Participating school district" means either of the following: 6708
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(1) The school district in which a college-preparatory boarding school established under this chapter is located; 6710
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(2) A school district other than one described in division (G) (1) of this section that, pursuant to procedures adopted by the state board of education under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter. 6712
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Sec. 3328.25. (A) The board of trustees of a college-preparatory boarding school established under this chapter shall grant a diploma to any student enrolled in the school to whom ~~all both~~ of the following apply: 6719
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(1) The student has successfully completed the school's high school curriculum or the IEP developed for the student by the school pursuant to section 3323.08 of the Revised Code or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that the school shall not require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early. 6723
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~~(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A) (2) (a) or (b) of this section, as applicable.~~ 6731
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~~(a) If the student entered ninth grade prior to July 1, 2014, the student either:~~ 6734
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~~(i) Has attained at least the applicable scores designated~~ 6736

~~under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (M) of section 3313.61 of the Revised Code applies to the student;~~ 6737
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~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.~~ 6741
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~~(b) If the person entered ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the student is excused from some portion of that section pursuant to division (M) of section 3313.61 of the Revised Code.~~ 6743
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~~(3) The student is not eligible to receive an honors diploma granted under division (B) of this section.~~ 6748
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No diploma shall be granted under this division to anyone except as provided in this division. 6750
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(B) In lieu of a diploma granted under division (A) of this section, the board of trustees shall grant an honors diploma, in the same manner that boards of education of school districts grant honors diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in the school who accomplishes all both of the following: 6752
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(1) Successfully completes the school's high school curriculum or the IEP developed for the student by the school pursuant to section 3323.08 of the Revised Code; 6758
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~~(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable.~~ 6761
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6763

~~(a) If the student entered ninth grade prior to July 1,~~ 6764

~~2014, the student either:~~ 6765

~~(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;~~ 6766
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~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.~~ 6769
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~~(b) If the person entered ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.~~ 6771
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~~(3) Has met the additional criteria for granting an honors diploma prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of honors diplomas by school districts.~~ 6774
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An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. No honors diploma shall be granted to anyone failing to comply with this division, and not more than one honors diploma shall be granted to any student under this division. 6778
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(C) A diploma or honors diploma awarded under this section shall be signed by the presiding officer of the board of trustees. Each diploma shall bear the date of its issue and be in such form as the board of trustees prescribes. 6785
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(D) Upon granting a diploma to a student under this section, the presiding officer of the board of trustees shall provide notice of receipt of the diploma to the board of education of the city, exempted village, or local school district where the student is entitled to attend school when not 6789
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residing at the college-preparatory boarding school. The notice 6794
shall indicate the type of diploma granted. 6795

Sec. 3333.0411. ~~Not~~ The final report made under this 6796
section shall be for teacher evaluations conducted for the 2017- 6797
2018 school year. Beginning with teacher evaluations conducted 6798
for the 2018-2019 school year, no report shall be made under 6799
this section. 6800

Not later than December 31, 2014, and annually thereafter, 6801
the chancellor of higher education shall report for each 6802
approved teacher preparation program, the number and percentage 6803
of all graduates of the program who were rated at each of the 6804
performance levels prescribed by division (B) (1) of former 6805
section 3319.112 of the Revised Code on an evaluation conducted 6806
in accordance with section 3319.111 of the Revised Code in the 6807
previous school year. 6808

In no case shall the report identify any individual 6809
graduate. The department of education shall share any data 6810
necessary for the report with the chancellor. 6811

Section 2. That existing sections 3301.07, 3301.078, 6812
3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 6813
3301.0718, 3301.0722, 3302.03, 3302.036, 3302.04, 3302.05, 6814
3302.15, 3310.03, 3311.80, 3311.84, 3313.532, 3313.60, 3313.603, 6815
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.611, 3313.612, 6816
3313.614, 3313.619, 3313.902, 3313.903, 3314.03, 3314.36, 6817
3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 3325.08, 6818
3326.111, 3328.01, 3328.25, and 3333.0411 and sections 6819
3301.0721, 3313.618, 3319.111, 3319.112, and 3319.114 of the 6820
Revised Code are hereby repealed. 6821

Section 3. That Sections 4 and 5 of Am. Sub. H.B. 7 of the 6822

131st General Assembly be amended to read as follows: 6823

Sec. 4. Notwithstanding anything in the Revised Code to 6824
the contrary, division (E) (3) of section 3317.03, division (L) 6825
(3) of section 3314.08, and division (C) of section 3326.37 of 6826
the Revised Code shall not apply in the case of a pupil who did 6827
not take an assessment prescribed under division (A) of section 6828
3301.0710 or division (B) (2) of section 3301.0712 of the Revised 6829
Code that was administered during the 2014-2015, 2015-2016, 6830
2016-2017, 2017-2018, 2018-2019, or 2019-2020 school year and 6831
was not excused pursuant to division (C) (1) or (3) of section 6832
3301.0711 of the Revised Code from taking that assessment. 6833

Sec. 5. (A) Notwithstanding anything in the Revised Code 6834
to the contrary, a student receiving a scholarship under a state 6835
scholarship program, as defined in section 3301.0711 of the 6836
Revised Code, who did not take an assessment prescribed under 6837
division (A) of section 3301.0710 or division (B) (2) of section 6838
3301.0712 of the Revised Code that is administered in the 2014- 6839
2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, or 2019-2020 6840
school year shall be considered to be an eligible student for 6841
purposes of the respective scholarship program, so long as the 6842
student satisfies all other prescribed conditions of the 6843
program. 6844

(B) Notwithstanding anything in the Revised Code to the 6845
contrary, division (A) of section 3310.14, section 3310.522, and 6846
division (A) (11) of section 3313.976 of the Revised Code, and 6847
paragraph (C) of rule 3301-103-04 of the Administrative Code 6848
shall not apply in the case of a student who did not take an 6849
assessment prescribed under division (A) of section 3301.0710 or 6850
division (B) (2) of section 3301.0712 of the Revised Code that is 6851
administered in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 6852

<u>2018-2019, or 2019-2020</u> school year.	6853
Section 4. That existing Sections 4 and 5 of Am. Sub. H.B. 7 of the 131st General Assembly are hereby repealed.	6854 6855
Section 5. For students who entered the ninth grade on or after July 1, 2014, a student shall not be required to pass any assessment prescribed under section 3301.0712 in order to qualify for a high school diploma.	6856 6857 6858 6859
Section 6. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	6860 6861 6862 6863 6864 6865 6866 6867
Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	6868 6869
Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly.	6870 6871 6872
Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	6873 6874 6875
Section 3319.02 of the Revised Code as amended by both Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly.	6876 6877 6878